

Nottinghamshire Schools Neonatal Leave Policy

April 2025

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School Shared Parental Leave Policy

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1. Introduction

- 1.0 This policy is recommended for adoption by all Nottinghamshire schools, including: Community Schools, Voluntary Aided and Voluntary Controlled Schools, Academy Schools, Foundation and Trust Schools. Due to the complexities of this area of employment law, governing bodies are strongly advised to adopt this policy without amendment. If an academy or other school outside the control of Nottinghamshire County adopts this policy, references to the council as the employer will need to be replaced by the name of the employing body/trust. These procedures meet legislative requirements, if you have any doubts about the action to take, please contact your named HR Business Partner. Any governing body which decides not to adopt the recommended Neonatal Care Leave and Pay Policy will need to undertake formal consultation collectively with all of the secretaries of the Recognised Trade Unions and confirm any amendments to the local authority. Governing bodies are advised to seek HR advice in these circumstances.
- 1.1 Article 6 of the Education (Modification of Enactments Relating to Employment) Order 2003 provides for a governing body to be the respondent in relation to any application to an Employment Tribunal arising from alleged discrimination. In law, the Local Authority remains the employer for community and voluntary controlled schools and will therefore be primarily responsible for the payment of any compensation order by an Employment Tribunal in respect of a finding relating to a complaint about discrimination. However, where it is reasonable to do so, the Local Authority is empowered to deduct such compensation from the school's budget. It is unlikely that the Local Authority would wish to adopt such a course of action provided that the governing body has sought and followed advice given by the NCC HR Service and not acted contrary to law or in some other way failed to observe their agreed procedures.

2. Scope of the Policy

- 2.0 This policy is applicable to all directly employed school-based employees including supply teachers and employees on fixed term contracts, with the exception of workers supplied through an employment agency.
- 2.1 Neonatal care leave will supplement current provisions for maternity leave, paternity leave, adoption leave, and shared parental leave where eligible. This policy applies to employees in same sex and heterosexual relationships. This policy applies where children are born on or after 6th April 2025.

3. Introduction

- 3.0 This policy sets out the rights of employees to neonatal care leave and pay following the birth or adoption (including fostering to adopt) of their child.
- 3.1 It is recognised that having a child in neonatal care is an extremely stressful and challenging experience and the School is committed to supporting employees by doing

what it can do to help ensure that employees are able to be by their child's side while looking after their own health and wellbeing.

4. What is neonatal care leave?

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

4.1 In this policy, neonatal care means:

- medical care that an employee's child receives in a hospital;
- medical care that an employee's child receives in any other place providing:
 - the 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 the child was an inpatient; or
- palliative or end-of-life care.

5. Entitlement to neonatal care leave

5.0 Employees have a day-one statutory right to take neonatal care leave where their child is in receipt of neonatal care as above if at the date of the child's birth:

- they are the child's parent or intended parent and have or expect to have responsibility for the upbringing of the child; or
- in the case of adoption, they are the child's prospective adopter (in a "foster to adopt" arrangement) and have or expect to have responsibility for the upbringing of the child; or
- they are the partner of the child's mother / adopter and have main responsibility for the upbringing of the child (apart from the mother / adopter).

5.1 In this policy, partner includes someone, irrespective of sex, who lives with the mother or 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:

- the child was born on or after 6 April 2025;
- the 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);
- the employee is taking the leave to care for the child (however, see section below if the employee suffers a bereavement); and
- the employee has complied with the relevant notice and declaration requirements set out in this policy.

6. Entitlement to Neonatal care pay

- 6.0 Statutory neonatal care pay is payable during an employee's neonatal care leave period, provided that the employee is entitled to it.
- 6.1 The rate of statutory neonatal care pay is set by the Government for the relevant tax year, or at 90% of an employee's average weekly earnings (whichever is lower).
- 6.2 The employee will qualify for statutory neonatal care pay if:
- they are entitled to take neonatal care leave;
 - they have at least 26 weeks' continuous employment with the employer at the end of the relevant week;
 - they 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);
 - their average weekly earnings are not less than the lower earnings limit for national insurance contributions;
 - they have complied with the relevant notice and evidential requirements and are able to provide the declarations as set out in this policy; and
 - they have confirmed when they wish to start receiving statutory neonatal care pay as set out in this policy.
- 6.3 In this policy "relevant week" means the 15th week before the expected week of childbirth if an employee is entitled to statutory maternity or paternity pay, or the week in which they or the adopter are notified of being matched with the child for adoption purposes if they are entitled to statutory adoption or paternity pay. In all other cases, it means the week before the neonatal care begins.
- 6.4 Neonatal care pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

7. Amount of neonatal care leave employees can take

- 7.0 The amount of neonatal care leave that an employee can take is one week for every week the 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.
- 7.1 In cases specifically related to adoption, the entitlement begins either after the child has been placed for adoption (for adoptions within the UK) or after the child has entered Great Britain (for adoptions from overseas).
- 7.2 The maximum number of weeks that can be taken as neonatal care leave is capped at 12 weeks.
- 7.3 Any neonatal care leave must be taken in blocks of at least one week.

- 7.4 An employee can take only up to 12 weeks' neonatal care leave, even if multiple children from the same pregnancy require neonatal care.

8. Timing of neonatal care leave

- 8.0 An employee can start their leave on any day after the child has received seven days of uninterrupted neonatal care.
- 8.1 The seven days are counted from the day after the neonatal care started. For example, if the child started receiving neonatal care on 7 April, the seven-day count begins on 8 April. This means that an employee can start their neonatal care leave on any day from 15 April.
- 8.2 Any neonatal care leave must end within 68 weeks of the child's date of birth.
- 8.3 The right to neonatal care leave is in addition to any other statutory leave that an employee may be entitled to, such as maternity, adoption, paternity, ordinary parental, parental bereavement or shared parental leave.

9. How neonatal care leave may be taken

- 9.0 Neonatal care leave is available to take in two tiers:
- The "tier 1 period" begins when the child starts receiving neonatal care and ends on the seventh day after the child is discharged. If an employee takes neonatal care leave in the tier 1 period, they 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 the child's date of birth) that is not part of the tier 1 period. If an employee takes neonatal care leave during the tier 2 period, they must take the leave in one continuous block.
- 9.1 Employees should be aware that the relevant notice requirements differ depending on whether they take their leave in the tier 1 or tier 2 period.
- 9.2 Leave can be taken in both tier 1 and tier 2.

10. Notice to take neonatal care leave

Notice during the tier 1 period

- 10.0 For each week of neonatal care leave that an employee wishes to take in tier 1, they should notify the headteacher by telephone or email, preferably before they are due to start work on their first day of absence in that week. However, it is understood that this is likely to be a challenging time for employees in this situation, so encourage employees simply to give notice to the headteacher as soon as is reasonably practicable.
- 10.1 Employees are also required to give notice of their intention and entitlement to take neonatal care leave using the form at Appendix 1 – Neonatal care leave application. This form contains a declaration that will need to be signed by the employee.
- 10.2 There is no expectation on an employee to complete this form straightaway following the birth while their child is receiving neonatal care. However, there should be contact with the employer as soon as possible and the form submitted within 28 days of the first day of the

employee's neonatal care leave, or if this is not possible, as soon as it is reasonably practicable so that an employee's entitlement to neonatal care leave and pay can be confirmed.

Notice during the tier 2 period

- 10.3 If an employee wishes to take neonatal care leave in the tier 2 period, they must give notice to their headteacher in writing of their intention and entitlement to take neonatal care leave using the form at Appendix 1 – Neonatal care leave application. This form contains a declaration that will need to be signed by the employee. The completion and submission of the form will enable the School to confirm the entitlement to the employee and ensure appropriate cover is in place.
- 10.4 If an employee is taking a single week of neonatal care leave, their notice should be received at least 15 days before the first date that they have chosen for their leave to start, or if this is not possible, as soon as it is reasonably practicable.
- 10.5 If an employee is taking two or more consecutive weeks of neonatal care leave, their notice should be received by us at least 28 days before the first date that they have chosen for their leave to start, or if this is not possible, as soon as it is reasonably practicable.

11. Changing neonatal care leave plans

- 11.0 If an employee has submitted a notice of intention and entitlement to take neonatal care leave during the tier 2 period but wish to cancel their leave, they must inform the headteacher using the form at Appendix 2 – Neonatal care leave cancellation. A new application must be completed for any revised leave dates requested.
- 11.1 If they intended to take a single week of neonatal care leave, they must submit this form at least 15 days before the first date that they had chosen for their leave to start.
- 11.2 If they intended to take two or more consecutive weeks, they must submit this form at least 28 days before the first date that they had chosen for their leave to start.

12. Late notice

- 12.1 The School understands that having a child in neonatal care is an incredibly difficult time for parents. Employees are assured that if it is not possible for them to meet the timeframes for giving or withdrawing notice as set out in this policy, the School will endeavour to accept later notice than this and, in some cases, the requirement for employees to provide notice may be waived altogether.

13. Starting neonatal care leave

- 13.0 An employee's neonatal care leave will start on the date that is specified in their notice of entitlement and intention (application).
- 13.1 Alternatively, if an employee gives notice on the same day that they want to begin their leave and are already in work on that day, their neonatal care leave will technically start on the following day and headteachers are likely to consider granting compassionate leave on the day.

- 13.2 If the headteacher has agreed to waive the notice requirements, an employee's neonatal care leave will begin on a day that is mutually agreed between the employee and the headteacher
- 14. Other statutory leave**
- 14.0 Employees are entitled to take neonatal care leave in addition to any other statutory leave that they may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement and shared parental leave
- 14.1 If the employee has already started a period of statutory leave, but subsequently becomes eligible for neonatal care leave, they can take their neonatal care leave after completing the other statutory leave, provided that their neonatal care leave is taken within 68 weeks of their child's birth date.
- 14.2 If the employee has already started a period of neonatal care leave during the tier 1 period but need to begin another type of statutory leave, their neonatal care leave will be temporarily paused immediately before the other statutory leave begins. They can then resume the remaining weeks of their neonatal care leave in one of two ways:
- if they are still within the tier 1 period - immediately after the end of the other period of statutory leave; or
 - if they have transitioned into the tier 2 period - immediately after any other neonatal care leave taken during the tier 2 period.
- 14.3 The employee cannot take neonatal care leave in the tier 2 period if, at the time of giving notice, they are aware that the leave will overlap with another type of statutory leave (e.g. maternity, adoption, shared parental or paternity leave). In this event, any neonatal care leave taken will curtail other statutory leave in place.
- 15. If an employee suffers a bereavement**
- 15.0 Employees who have accrued entitlement to neonatal care leave can still take the neonatal care leave that they have accrued if their child passes away.
- 15.1 Employees may also be entitled to parental bereavement leave in these circumstances (please see the [Annual Leave and Leave of Absence Policy](#)).
- 15.2 If an employee suffers a bereavement, they should contact the headteacher to discuss other support that may be available to them.
- 16. If the placement is disrupted (in the case of adoption)**
- 16.0 Employees who have accrued entitlement to neonatal care leave may still be entitled to take their neonatal care leave if the placement is disrupted.
- 16.1 A placement is disrupted where the child is returned after having been placed for adoption, ceases to live with the overseas adopter, or in the case of a surrogacy arrangement, the parental order does not proceed.
- 17. An employee's rights during neonatal care leave**

- 17.1 During neonatal care leave, all the terms and conditions of the employee's contract except normal pay will continue. Their normal pay will be replaced with statutory neonatal care pay if they are eligible for it. However, other benefits such as holiday entitlement will continue to accrue and pension contributions will continue as set out below.

18 Holiday entitlement

- 18.0 Where applicable, employee's will continue to accrue holiday entitlement during their neonatal care leave.
- 18.1 Any holiday entitlement that has not been taken because of neonatal care leave can be carried over into the next holiday year.

19. Pension contributions

- 19.0 Employer's Pension contributions will continue to be paid based on an employee's normal pay during any period of paid neonatal care leave. The contributions that the employee makes will be based on the actual pay that they receive during their neonatal care leave.
- 19.1 The employer's pension contributions will cease during any period of unpaid neonatal care leave.
- 19.2 There is no obligation to pay contributions during unpaid neonatal care leave however an employee can choose to pay contributions for the duration of this period and their contribution will be based on the pension contribution they were paying immediately prior to the period of no pay. Arrears of contributions will normally be collected upon the employees return to work.

20. Contact during neonatal care leave

- 20.0 Headteachers and employees have a responsibility to maintain reasonable contact with employee's during their neonatal care leave where possible. This may be to ensure appropriate cover is in place, to discuss their plans for taking leave, to discuss any special arrangements to ease their time away from work, to update employees on developments at work during their absence and to check on their wellbeing and any additional support that may be required.

21. Returning to work after neonatal care leave

- 21.0 Employees 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 neonatal care leave including where this follows on immediately from another period of statutory leave (such as maternity, adoption, paternity, parental bereavement or shared parental leave).

22. Protection from Redundancy during or after neonatal care leave

- 22.0 Employees who take neonatal care leave receive enhanced protection against redundancy (reg.14 of the Neonatal Care Leave and Miscellaneous Amendments Regulations 2025).
- 22.1 If, as a result of redundancy, it is not reasonably practicable for an employer to continue to employ an employee while they are on neonatal care leave, they are entitled to be offered a suitable alternative vacancy.

- 22.2 An employee who takes at least six consecutive weeks of neonatal care leave has the same right to be offered a suitable alternative vacancy if it is not reasonably practicable, as a result of redundancy, to continue to employ them. The duty applies in the period between their return to work and the date that is 18 months after the child's birth, placement for adoption or the date the child entered Great Britain.
- 22.3 An employee who has taken maternity or adoption leave in respect of the child, and then a period of six or more weeks of neonatal care leave continues to be protected under the rules applying to statutory maternity or adoption leave.
- 22.4 It is important to take advice from the relevant HR Business Partner, in all such cases.

23. Data protection

- 23.0 When dealing with neonatal care leave and pay, any employee's personal data will be collected and processed in accordance with the Data Protection Policy and Privacy Notices. In particular, the School will record only the personal information required and keep the information only for as long as necessary.

Neonatal Care Leave: Notice of Entitlement and Intention (Appendix 1)

This form should be completed as soon as possible and be returned in the first instance to the headteacher for their approval that the relevant criteria have been met. Once approved, the school must complete the Change of Details Form and send it to Payroll Services via the Secure Transfer System.

Organisational Information	
Job Title	
School	
Employee Information	
Employee Name	
Employee Pay Number	
NI Number	
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 the employee	
My child was born on:	
(In cases of adoption) my child was placed for adoption on:	
My child started receiving neonatal care on:	
My child's neonatal care has continued without interruption:	Yes / No
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)	
Section B: declaration to be completed by the employee	
I [satisfy / will satisfy] the following eligibility requirements to take neonatal care leave:	
I am the child's parent / adopter and at the date of the child's birth / date the child was placed for adoption [I have / expect to have] responsibility for the child's upbringing OR	Yes / No
(in cases of adoption) I am the child's prospective adopter (in a	Yes / No

“foster to adopt” arrangement) and at the date the child was placed for adoption I [have / expect to have] responsibility for the upbringing of the child 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):	Yes / No
AND	
I [am taking/have taken] the leave to care for my child	Yes / No
I acknowledge that any entitlement to statutory neonatal care pay will be calculated and paid by payroll upon receipt of this form, approved by my line manager	
I will immediately inform my line manager of any changes affecting my entitlement to neonatal care leave and pay.	
Signed:	Date:

Headteacher approval

I confirm that the employee is entitled to neonatal care leave as above and therefore approve the leave request	
Signed:	Date:

School use	
Received by school (name, date):	
Entitlement to leave (and if applicable, pay) qualified (date):	
Entitlement to leave (and if applicable, pay) confirmed to employee (name, date):	
Payroll form completed (name, date):	

Neonatal Care Leave: Request to cancel Tier 2 leave (Appendix 2)

This form should be completed as soon as possible and no later than:

- 15 days before the first day of the original intended leave, if taking a single week, or
- 28 days before the first day of the original intended leave, if taking two or more consecutive weeks

Schools must complete the Change of Details Form and send to Payroll Services via the Secure Transfer System to cancel original leave planned.

Employees are requested to re-complete Appendix 1 to request replacement leave.

Organisational Information			
Job Title			
School			
Employee Information			
Employee Name			
Employee Pay Number			
NI Number			
I previously gave notice of my intention to take neonatal care leave:			
Starting on (date):			
Ending on (date)			
I wish to notify you that I now want to cancel this leave.			
Signed:		Date:	

School use	
Received by school (name, date):	
Payroll form completed (name, date):	