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**Neonatal Care**

**Policy and Guidance for Schools**

**Document Control Information**

Title: Neonatal Care Policy and Guidance for Schools

Date: April 2025

Version: 1

Security level: Internal Public

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| **Version** | **DATE** | **DESCRIPTION** |
| 1 | April 2025 | New policy based on new incoming legislation and entitlements from 6 April 2025 |
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1. **Policy Information**

**1.1 Introduction**

The school recognises the importance of a balanced approach to work and family life. We therefore welcome the opportunity to build upon this approach with the Neonatal Care Policy, which sets out the rights of employees to neonatal care leave and pay following either:

* the birth of their child or
* the adoption of a child.

Statutory neonatal care leave and other rights are also available to employees who are local authority foster parents in a "foster to adopt" situation, or employees who expect to become the legal parents of a child born under a surrogacy arrangement.

We understand that having a child in neonatal care is an extremely stressful and challenging experience. As an organisation, we are committed to supporting you and doing what we can to help ensure that you are able to be by your child's side while looking after your own health and wellbeing.

Please also refer to the following family-friendly policies and documents:

* Maternity, Paternity and Adoption Policy
* Schools Adoption Guide,
* Family Care Toolkit
* Employee Maternity Pack
* Shared Parental Leave Policy
* Flexible Working Policy
* Parental Leave Policy
* Parental Bereavement Leave Policy
* Leave of Absence Policy

The policy does not form part of your contract of employment and we reserve the right to amend it at any time.

**1.2 Purpose**

To ensure that all employees are given support to manage family responsibilities and balance this with the need to maintain service delivery and the impact on other colleagues. This Policy is an important part of the school’s approach to Equal Opportunities.

**1.3 Scope**

The policy applies to all employees of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ school regardless of the number of hours worked per week with the exception of workers employed on a casual or temporary basis. This model policy may be adopted by school governing bodies.

**1.4 Equal Opportunities**

The Neonatal Care Policy will be applied fairly and consistently to all staff employed at the school regardless of gender, race, marital status, national or ethnic origin, nationality, disability, sexuality, age, religion, status or number of hours worked.

**1.5 Data Protection**

The school processes any personal data collected during the neonatal care leave and pay process in accordance with its data protection policy. Further details can be found in the Privacy Notice on the school’s website. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the relevant family care procedure.

**2. What is Neonatal Care Leave?**

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

In this policy, 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.

**2.1 Requesting support**

If you are finding it difficult to cope at work because your child is in neonatal care, you are encouraged to speak to your line manager. If for any reason you are unable to approach your line manager, you can speak to [XXX / School Business Manager / Headteacher].

We realise that this may not be an easy subject to talk about. However, we urge you to be as open as possible about any particular issues that you are experiencing to ensure that you are provided with the right level of support.

Any information disclosed by you during discussions with your line manager will be treated sensitively and in strict confidence.

**3 Entitlement to Neonatal Care Leave**

Whatever your length of service, you have a statutory right to take neonatal care leave if:

1. **At the date of the child's birth:**

* you are the child's parent and have responsibility for the upbringing of the child; or
* you are the partner of the child's mother / birthing parent and have main responsibility for the upbringing of the child (apart from the mother / birthing parent).

In this policy, partner includes someone, of whatever sex, who lives with the mother/ birthing parent or the child in an enduring family relationship but who is not their child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

1. **For adoptions within the UK, you are entitled to neonatal care leave if at the date the child is placed for adoption:**

* you are the child's adopter and have or expect to have responsibility for the upbringing of the child;
* you 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
* you are the partner of the child's adopter or prospective adopter and have main responsibility for the upbringing of the child (apart from your partner).

1. **For adoptions from overseas, you are entitled to neonatal care leave if at the date the child enters Great Britain:**

* you are the child's overseas adopter and have or expect to have responsibility for the upbringing of the child; or
* you are the partner of the child's overseas adopter and have main responsibility for the upbringing of the child (apart from your partner).

1. **If you are having a child through a surrogacy arrangement, you are entitled to neonatal care leave if at the date of the child's birth:**

* you have applied or intend to apply for a parental order within a period of six months; (Intended parents may be asked to provide evidence of their due date and their intention to apply for a parental order, which could be in the form of a statutory declaration or a letter from a lawyer representing them in their intended application.)
* you expect the parental order to be granted; and
* you have or expect to have responsibility for the upbringing of the child.

Additionally, the following conditions must be satisfied in all cases:

* your child was 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 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);
* you are taking the leave to care for your child (however, see ‘If you suffer a bereavement’ in section XX below); and
* you have complied with the relevant notice and declaration requirements set out in this policy (see ‘Notice to take neonatal care leave’ in section XX below).

**3.1 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.  A week is defined as a period of seven days starting from the day after the neonatal care began.

In cases specifically related to adoption, your 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).

The maximum number of weeks that you can take as neonatal care leave is capped at 12 weeks.

Any neonatal care leave must be taken in blocks of at least one week.

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

**3.2 Timing of neonatal care leave**

You can 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. For example, if your child's started receiving neonatal care on 7 April, the seven-day count begins on 8 April. This means that you can start your neonatal care leave on any day from 15 April.

Any neonatal care leave must end within 68 weeks of your child'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 (see ‘Other statutory leave’ in section XX below).

**3.3 How neonatal care leave may be taken**

Neonatal care leave is available to take in two tiers:

* 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 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 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.

You should be aware that the relevant notice requirements differ depending on whether you take your leave in the tier 1 or tier 2 period (see ‘Notice to take neonatal care leave’ in section XX below).

**3.4 Notice to take neonatal care leave**

**Notice during the tier 1 period**

For each week of neonatal care leave that you wish to take in tier 1, you should notify [your line manager/XXX] by telephone or email, preferably before you are due to start work on 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.

You are also required to give notice of your intention and entitlement to take neonatal care leave using our form to provide notice of intention and entitlement to take neonatal care leave – **appendix 1**. This form contains a declaration that will need to be signed by you.

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 us 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 so that we can confirm your entitlement to neonatal care leave and pay.

**Notice during the tier 2 period**

If you wish to take neonatal care leave in the tier 2 period, you will need to give notice in writing of your intention and entitlement to take neonatal care leave using our form to provide notice of intention and entitlement to take neonatal care leave – **appendix 1**. This form contains a declaration that will need to be signed by you.

If you are taking a single week of neonatal care leave, your notice 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.

If you are taking two or more consecutive weeks of neonatal care leave, your notice should be received by us 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.

**3.5 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 line manager/XXX] using our form for employee to cancel neonatal care leave – **appendix 2**.

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

**3.6 Late notice**

We understand that having a child in neonatal care is an incredibly difficult time for parents. Please be assured that if it is not possible for you to meet the timeframes for giving or withdrawing notice as set out in this policy, we will accept later notice than this and, in some cases, we may waive the requirement for you to give notice altogether.

**3.7 Starting your neonatal care leave**

Your neonatal care leave will start on the date that is specified in your notice.

Alternatively, if you give notice on the same day that you want to begin your leave and you are already in work on that day, your neonatal care leave will start on the following day.

If we have agreed to waive the notice requirements, your neonatal care leave will begin on a day that is mutually agreed between us.

**3.8 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.

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.

**4. 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 within your **form to provide notice of intention and entitlement to take neonatal care leave** – see appendix 1.

In this policy "relevant week" means either:

* the 15th week before the expected week of childbirth or
* the week in which you or the adopter are notified of being matched with the child for adoption purposes

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.

**4.1 Changes affecting entitlement to neonatal care leave and pay**

You must keep [your line manager/XXX] informed about 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, you must keep [your line manager/XXX] informed of the new start and end dates.

**4.2 If you suffer a bereavement or if the placement is disrupted (adoption)**

Employees who have accrued entitlement to neonatal care leave can still take the neonatal care leave if the placement is disrupted or their child passes away.

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.

If you suffer a bereavement, you may also be entitled to parental bereavement leave in these circumstances [Refer to our Parental Bereavement Leave Policy – which can be found XXX].

In such cases, please contact [name of individual/XXX] so that we can discuss other support that we may be able to offer you.

**5.0 Your Rights during Neonatal Care Leave**

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

**5.1 Holiday entitlement**

You will continue to accrue your holiday entitlement during your neonatal care leave.

Any holiday entitlement that has not been taken because of neonatal care leave can be carried over into the next holiday year.

**5.2 Pension contributions**

We will continue to make pension contributions based on your normal pay during any period of paid neonatal care leave. The contributions that you make 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.

**6. Contact during Neonatal Care Leave**

We reserve 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.

**7. 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.

**APPENDIX 1**

**Notice of Entitlement and Intention to take Neonatal Care Leave Form**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **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: | |  | | |
| In cases of Adoption:  My child was placed for adoption on:  OR  My child entered Great Britain on:  (**please delete as appropriate**) | |  | | |
| My child started receiving neonatal care on: | |  | | |
| My child's neonatal care has continued without interruption: | |  | | |
| 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 – 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: (**please complete either A, B or C**) | | | | |
| * 1. **Birth Parents:** | | | | |
| 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) | |  | | |
| * 1. **Adoption within Great Britain:** | | | | |
| I am the child's adopter and at the date the child was placed for adoption [I have/expect to have] responsibility for the child's upbringing **OR** | |  | | |
| I am the child's prospective adopter (in a "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 [adopter/prospective adopter] and at the date the child was placed for adoption [I have/expect to have] main responsibility for the child's upbringing (apart from the partner) | |  | | |
| * 1. **Overseas Adoption:** | | | | |
| I am the child's overseas adopter and at the date the child entered Great Britain [I have/expect to have] responsibility for the child's upbringing **OR** | |  | | |
| I am the partner of the child's overseas adopter and at the date the child entered Great Britain [I have/expect to have] main responsibility for the child's upbringing (apart from the partner) | |  | | |
| **D. Surrogacy:** | | | | |
| I am the child's intended 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 intended 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 (in all cases)** | |  | | |
| 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, adoption 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 organisation of any changes affecting my entitlement to neonatal care leave and pay.** | | | | |
| **Signed:** |  | | **Date:** |  |
| **Notes – Appendix 1**  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. However, in cases specifically related to adoptions:   * within the UK, your entitlement begins after the child has been placed for adoption. * from overseas, your entitlement begins after the child has entered Great Britain   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 can 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/XXX] 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. * If you are taking two or more consecutive weeks of neonatal care leave, this form should be received by [your line manager/XXX] 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. | | | | |

**APPENDIX 2**

**Form to Cancel Neonatal Care Leave Request**

|  |  |  |  |
| --- | --- | --- | --- |
| **Neonatal care leave: Request to cancel dates** | | | |
| **Name of employee:** |  | | |
| **Department:** |  | | |
| I previously gave notice of my intention to take neonatal care leave: | | | |
| starting on: | [insert date] | | |
| ending on: | [insert date] | | |
| I wish to notify you that I now want to cancel this leave. | | | |
| **Signed:** |  | **Date:** |  |
| **Notes**  This form can be used where you wish to cancel a period of neonatal care leave. You must have already submitted a notice of intention and entitlement to take neonatal care leave before using this form.  Please submit this form to [your line manager/XXX] at least:   * 15 days before your leave was due to start if you had booked a single week of leave; or * 28 days before your leave was due to start if you had booked two or more consecutive weeks of leave.   If you wish to reschedule your neonatal care leave, you will need to re-submit your notice using the form to provide notice of intention and entitlement to take neonatal care leave (birth) – in **appendix 1** | | | |