



MIDDLESEX
LEARNING
PARTNERSHIP

NEONATAL CARE LEAVE AND PAY POLICY

APPROVED BY:	HR & OD Committee
DATE:	February 2026
NEXT REVIEW DUE BY:	February 2029

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NEONATAL CARE LEAVE AND PAY POLICY

Introduction

The Trust applies this policy to all employees for guidance only and reflects our current practices. It outlines the rights employees and others are given by the law on neonatal care leave (NCL) and pay that apply to babies born on or after 6 April 2025. It is intended to be a summary only and not a complete statement of your rights.

If you are adopting from overseas, please contact HR, as different provisions apply.

This policy does not apply to agency workers, casual workers, consultants or the self-employed. It does not form part of any individual's contract of employment with the Trust and is not intended to have contractual effect.

Subject to minimum statutory requirements from time to time in force, we reserve the right to vary and amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

Depending on the circumstances, you may also be entitled to maternity, adoption, paternity or parental leave and pay, or to opt for shared parental leave and pay in respect of a child. Please refer to our Maternity Leave and Pay Policy, Adoption Leave and Pay Policy, Paternity Leave and Pay Policy, Shared Parental Leave (Adoption & Surrogacy) Policy, Shared Parental Leave (Birth) Policy for information of your entitlement under these statutory provisions.

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

disciplinary action in line with our Disciplinary Policy and Procedure up to and including summary dismissal.

What is Neonatal Care?

Neonatal care refers to specialist medical or palliative care provided to newborn babies who need extra support after birth. This care must:

- begin within 28 days after the day of birth; and
- last for at least seven consecutive days (starting the day after the day on which the care starts); and
 - be provided in a hospital; or
 - be received after the child has left hospital under the direction of a consultant and includes ongoing monitoring by, and visits from, healthcare professionals arranged by the hospital; or
 - include palliative and end-of-life care.

When is Neonatal Care Needed?

Babies may require neonatal care for a range of medical reasons, including:

- Premature birth (born before 37 weeks)
- Low birth weight
- Breathing difficulties
- Infections or sepsis
- Heart conditions or other serious medical issues

Types of Neonatal Care

Neonatal care can vary depending on the baby's needs and may include:

- Special Care Baby Units (SCBU): For babies who need extra monitoring but are relatively stable
- Neonatal Intensive Care Units (NICU): For babies requiring advanced medical support
- High Dependency Units (HDU): For babies needing more care than SCBU but less than NICU
- Palliative or End-of-Life Care: Support for babies with life-limiting conditions

Entitlement to Neonatal Care Leave

Eligible employees, regardless of their length of service with the Trust are entitled to take one week of NCL for each week (being a consecutive seven-day period) that their baby is receiving neonatal care, up to a maximum of 12 weeks.

In the case of adoption, an employee is entitled to NCL in respect of a week where the child receives neonatal care, if that week falls after the date the child has been placed for adoption.

You may take NCL where you have parental or other prescribed responsibility for a baby who is receiving, or who has received, neonatal care. This will apply where you are:

- in cases of birth, the child's parent or intended parent and have or expect to have responsibility for the child's upbringing; or the partner of the child's mother at the date of birth and you have or expect to have main responsibility (other than the mother) for the child's upbringing; or
- in cases of adoption, at the date the child is placed for adoption, the child's adopter or prospective adopter and you have or expect to have responsibility for the child's upbringing; or the partner of the adopter or prospective adopter and have or expect to have main responsibility (other than your partner) for the child's upbringing.
- you are taking the NCL to care for the child
- the child's neonatal care continues without interruption for a period of at least seven days, not counting the day on which the care starts; and
- you notify us in accordance with the "notification requirements" below.

Taking Neonatal Care Leave

All neonatal care leave must be taken within 68 weeks of the child's date of birth or in cases of adoption, the date of placement.

NCL does not need to be taken while the child is receiving neonatal care. If you accrue neonatal care leave after already starting another period of statutory family leave, such as maternity or paternity leave, it can be taken after the end of the statutory family leave, provided it is taken within 68 weeks beginning on the child's date of birth or placement.

In the case of a multiple birth where more than one child is receiving neonatal care, the amount of NCL you accrue will depend on whether the children are receiving neonatal care at the same time (subject always to the maximum of the statutory 12 weeks):

- if more than one child is receiving neonatal care at the same time, you will only accrue NCL in respect of one child during that period;
- for periods when the children receive neonatal care at different times, you may accrue NCL in respect of each of them.

If a child receives neonatal care for at least seven days on two or more occasions, you will be entitled to NCL on each occasion (subject to the statutory 12-week cap).

If you are eligible for neonatal care leave can take it in two separate periods, known as Tier One and Tier Two, as follows:

Tier One Period

- This is intended to be taken when the child is still receiving care.

- This period begins on the first day the baby starts receiving neonatal care and ends seven days after the day they stop receiving care
- Leave cannot be taken before the baby has received at least seven consecutive days of neonatal care.
- Employees can split their leave into non-consecutive weeks during this period.

Tier Two Period

- This applies to any remaining entitlement after the Tier One period has ended.
- Leave taken during this period must be taken in consecutive weeks (i.e., cannot be split into separate weeks).
- For example, this may be at the end of another period of statutory family leave taken by you or your partner.

Notification Requirements

While we recognise that your circumstances will be difficult, before taking NCL you are required to notify the Trust in writing that you intend to take NCL as follows.

1. **For leave during the Tier One period:** Notice must be given before you are due to start work on the first day of absence from work in such week, unless it is not reasonably practicable to do so, in which case it should be provided as soon as reasonably possible after that. If possible, notice should be given in writing.
2. **For leave during the Tier Two period:**
 - If you are taking one week of leave, you must give at least 15 calendar days' notice before the first day of leave.
 - If taking two or more weeks, you must provide at least 28 calendar days' notice before the first day of leave.

Headteachers discretion may be applied depending on the circumstances.

The notification must include:

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

Upon receiving your request, we will usually write to you within 5 working days from when you submitted your request, to confirm whether the request is accepted or rejected.

If the child stops receiving neonatal care after you have given your notice of intention, you must inform us of the date that the neonatal care ends, as soon as is reasonably practicable after that date.

If the child starts to receive neonatal care again after you have notified us that neonatal care has ended, you must inform us of the date that the neonatal care started again and the date when it ends, as soon as reasonably practicable after each date.

Start date of Neonatal Care Leave

Your period of neonatal care leave will start on the day specified in the notice, unless the leave is due to start on the same day as the notice is given and you are at work on that day, then it will start the day after.

Withdrawing your Neonatal Care Leave

If you wish to withdraw a request made for Tier 2 NCL, you must notify the Trust of this in writing and in accordance with the same notice periods as required when initially requesting leave.

When you have booked another type of statutory leave

It may be that you have already booked another type of statutory leave (such as paternity leave or shared parental leave) before your child starts to receive neonatal care. In those circumstances, you may be taking NCL when that statutory leave starts. The effect of this will either be to bring your NCL to an end, or to 'interrupt' it. You will usually be able to carry forward the remaining untaken period of NCL and take it after the end of the other period of statutory leave, as follows:

- if your NCL is interrupted in the tier 1 period and:
 - the period of statutory leave ends within the tier 1 period (see above), you may carry forward the remaining untaken period of NCL and take it after the statutory leave period ends;
 - if the period of statutory leave ends within the tier 2 period (see above), you may carry forward the remaining untaken period of NCL and take it consecutively with any other NCL taken in the tier 2 period;
- if your NCL is interrupted in the tier 2 period and at the time of giving notice of NCL you know that the NCL will be interrupted by the other statutory leave, you will not be entitled to take NCL in the tier 2 period.

Statutory Neonatal Care Pay

Statutory Neonatal Care Pay (SNCP) is payable for a maximum of 12 weeks. SNCP will stop being payable if you return to work.

You are entitled to SNCP if:

- you are eligible for statutory neonatal care leave;
- you have been continuously employed for at least 26 weeks at the end of the relevant week;

- your average weekly earnings during the eight weeks ending with the week before neonatal care starts are not less than the lower earnings limit set by the Government; and
- you are still in employment in the relevant week (or from the child's birth if they were born before the relevant week)

In this policy "relevant week" means:

- in cases of birth - the 15th week before the expected week of childbirth if you are entitled to statutory maternity or paternity pay.
- in cases of adoption - the week in which you or the adopter are notified of being matched with the child if you are entitled to statutory adoption or paternity pay.
- In all other cases, it means the week before the neonatal care begins.

SNCP is paid at one week per every seven uninterrupted days of care the child receives and is paid at the lower of:

- the prescribed weekly rate which is set by the Government for the relevant tax year; or
- 90% of your average weekly earnings if this is lower.

You may be eligible for NCL but not for SNCP.

If you are eligible for SNCP, you must provide notice in writing of your intention to claim it alongside your notice of intention to take neonatal care leave, and how long for.

1. **For pay during the Tier One period:** Notice must be provided within 28 days of the first day of the pay week you are claiming for.
2. **For pay during the Tier Two period:**
 - If you want to claim SNCP for a single week of leave beginning in the tier 2 period, you must provide notice no later than 15 calendar days before the first day of the week you are claiming for.
 - If you want to claim SNCP for two or more weeks beginning in the tier 2 period, you must provide notice no later than 28 days before the first day of period you are claiming for.

If it is not reasonably practicable for you to give notice in accordance with above times, you must give notice as soon as it is reasonably practicable for you to do so.

The notification must include:

- your name;
- the child's date of birth or in the cases of adoption, the date of placement;
- the date(s) the child started receiving neonatal care, or each such date if they have received NCL on two or more separate occasions;
- the date neonatal care ended if the child is no longer receiving it;
- a declaration that the week(s) you are claiming pay for was taken/will be taken to care for the child; and
- a declaration that you meet the eligibility requirements.

If the SNCP dates notice is given while the child is still receiving neonatal care, you must inform us of the date that the neonatal care ends, as soon as is reasonably practicable after that date, as this will bring your entitlement to NCP to an end.

You may not withdraw an NCP dates notice if it relates to one or more weeks that begin in the tier 1 period. However, you can withdraw your SNCP dates notice by giving the same number of days' notice as for the SNCP dates notice to which the withdrawal notice relates.

If you are unwell during any week of your NCL, we will need to consider whether you are entitled to statutory sick pay (SSP) or occupational sick pay for all or part of that week, rather than receiving SNCP for that week. Please therefore notify us of any sickness during your NCL.

Cancelling SNCP

If, after giving us your SNCP dates notice in relation to a statutory pay week beginning in tier 2, you change your mind about claiming SNCP, you may withdraw your SNCP dates notice. You must give the same number of days' notice as for the SNCP dates notice to which the withdrawal notice relates, i.e.:

- if the SNCP dates notice related to a single week of SNCP, the withdrawal notice must be given at least 15 days before the first day of that week;
- if the SNCP dates notice related to two or more consecutive weeks, the withdrawal notice must be given at least 28 days before the first day of that period.

Terms and Conditions of Employment during Neonatal Care Leave

All the terms and conditions of your employment remain in force during NCL, except for the terms relating to pay. In particular:

- benefits in kind (such as life insurance, health insurance, gym membership and use of a school vehicle if applicable) shall continue;
- annual leave entitlement under your contract of employment shall continue to accrue; and
- pension benefits shall continue.

Salary sacrifice schemes may or may not apply during the maximum 12 weeks of NCL. Please seek further details from the Trust in regard to the specific terms of the scheme.

Additional Support during Neonatal Care Leave

We understand that having a baby in neonatal care can be a very challenging and emotional time. To support you during your neonatal care leave, you can access our Employee Assistance Programme (EAP) which provides 24/7 confidential support,

including counselling services, financial advice, and practical guidance **or** please speak with HR for details on how we can support you.

Returning to Work

After a period of NCL, you are normally entitled to return to work in the same position as you held immediately before commencing NCL. Your terms of employment shall be the same as they would have been had you not been absent.

However, if this is not reasonably practicable for us to allow you to return to the same position, we may provide you with another suitable and appropriate position on terms and conditions that are not less favourable but only in the following circumstances:

- if your NCL and any statutory leave you have taken consecutively in relation to the relevant child adds up to more than 26 weeks in total; or
- if you took NCL consecutively with more than four weeks of (ordinary) parental leave.

Pension

If you are a member of the Teachers' Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS), during any period of neonatal care leave, we will continue to make any employer contributions, based on the terms of the scheme. You will continue to pay contributions at your normal rate but based on the actual reduced salary which you receive.

During any period where you are not receiving contractual or statutory neonatal pay, we will not make any payments into the TPS or the LGPS and the period shall not count as pensionable service. However, following your return to work, you may elect to pay additional contributions for additional pensionable service in the scheme (to make up for any pension lost during the period of unpaid leave). Further details can be found as follows:

- [TPS](#)
- [LGPS](#)

If you wish to pay additional contributions to make up any shortfall, then please contact your [INSERT POSITION] in the first instance.

Sickness

If you are unable to return to work at the end of your period of neonatal care leave due to your own sickness or injury, this will be treated as sickness absence and our Absence Management and Attendance Policy will apply including its notification requirements.

Flexible Working

We will deal with any requests by employees to change their working patterns (such as working part-time) after NCL on a case-by-case basis. However, you should note that

there is no absolute right to insist on working part-time, only a statutory right to request flexible working.

You should refer to our Flexible Working Policy for further information and practical guidance about making an application to work flexibly.