

Neonatal Care Leave Policy

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1. Policy

- 1.1 The aim of the University's Neonatal Care Leave policy is to outline employees statutory right to neonatal care leave (NCL) from day one of employment, where they are responsible for a baby receiving neonatal care.
- 1.2 The Neonatal Care Leave policy outlines employee's rights to time off and pay during time off.
- 1.3 The University recognises that this can be a difficult and worrying time for employees affected and the policy outlines other support offered by the University.

2. Scope of the Procedure

- 2.1 This procedure applies to all staff on a permanent or fixed term contract.
- 2.2 Neonatal leave is a day one right, so no particular length of service is required to qualify. However, there is a length of service requirement in respect of Statutory Neonatal Care Pay (SNCP) entitlement, as outlined below.

3. Neonatal Care

- 3.1 Neonatal care is defined in law as care of a medical or palliative kind lasting for at least seven consecutive days, which starts within 28 days beginning with the day after the child's birth.
- 3.2 The medical care 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, this includes:
 - Medical care received in a hospital
 - Medical care received in any other place which meets the following criteria:
 - The child was an inpatient in hospital and the care is received upon the child leaving hospital
 - The care is under the direction of a consultant
 - The care includes ongoing monitoring by, and visits to the child from, healthcare professionals arranged by the hospital in which the baby received neonatal care
 - Palliative or end of life care.

4. Eligibility – Neonatal Care Leave

- 4.1 An employee may take neonatal care leave (NCL) if they have parental or other prescribed responsibility for a baby who is receiving or who has received neonatal care. This will apply if the employee is:
 - The child's parent, intended parent, or partner of the child's mother at the date of birth, providing they have or expect to have responsibility for the child's upbringing;
 - In cases of adoption, the child's adopter, prospective adopter, or the partner of either, at the date the child is placed, providing they have or expect to have responsibility for the child's upbringing.
- 4.2 The University recognises that staff 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 employees should be made to the relevant line manager. These requests would not be considered as statutory NCL but would be considered separately under other leave entitlements available to employee's i.e. annual leave.

5. Entitlement

- 5.1 Employees will be entitled to take one week NCL for each uninterrupted seven-day period the child is receiving neonatal care, up to a maximum of 12 weeks' leave.
- 5.2 This entitlement applies even where there is more than one baby born as part of the same birth, who is receiving neonatal care.
- 5.3 The leave must be taken 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.
- 5.4 Neonatal leave can be taken during two periods:
- a) "tier 1 period" – starts from the day the child starts receiving neonatal care, ending with the seventh day after the child stops receiving neonatal care. Leave taken in this period:
 - Cannot be taken before the day after the first 7-day uninterrupted period of neonatal care i.e. day 8.
 - Can be taken in continuous or non-consecutive blocks of at least one week at a time.
 - Any remaining entitlements to NCL may be taken in the tier 2 period.
 - b) "tier 2 period" – any period after the tier one period ends, but the employee is entitled to neonatal care leave. Leave taken in this period must be taken consecutively.

6. Notice Requirements

- 6.1 Employees wishing to take NCL in the tier 1 period must provide notice by the time they were due to start work on the first day of absence due to NCL, or as soon as is reasonably practical. Notice during the tier 1 period does not need to be in writing.
- 6.2 Employee wishing to take NCL during the tier 2 period must give 15 days' notice of one week's leave, or 28 days' notice of two or more weeks' leave. This notice must be provided in writing.
- 6.3 Employees wishing to change NCL arrangements, can do so by following the same notice periods as outlined in 6.1 and 6.2.

7. Taking Leave

- 7.1 Employees must take NCL 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.
- 7.2 NCL cannot be taken at the same time as any other period of statutory family leave, such as maternity or paternity leave. Where an employee is already on a period of statutory family leave i.e. maternity, NCL will accrue and can be taken after the end of the period of statutory family leave, providing it is within 68 weeks beginning on the child's date of birth or placement.
- 7.3 Where an employee has already started NCL and begins another period of statutory leave i.e. maternity or paternity leave before the NCL is due to end, then NCL will end immediately.
- 7.4 If the employee is still within the tier 1 period at the end of the other period of statutory leave i.e. paternity, then the remaining NCL must be taken immediately.

8. Pay during leave

- 8.1 Employees are entitled to Statutory Neonatal Care Pay (SNCP) during NCL if they:
- Are eligible for statutory neonatal care leave;

- Have 26 weeks' continuous service by the week immediately preceding the one in which neonatal care starts;
 - Earn at least the lower earnings limit on average, calculated over the period of 8 weeks ending with the week before neonatal care starts;
 - Are still in employment in the week before neonatal care starts.
- 8.2 Employees eligible for SNCP, are entitled to a maximum of 12 weeks' SNCP, paid at one week per every seven uninterrupted days of care the child receives.
- 8.3 The weekly rate of SNCP is the lower of:
- The current statutory rate, or
 - 90% of normal weekly earnings
- 8.4 Employees who are eligible for SNCP must provide notice in writing of their intention to claim it alongside their notice of intention to take NCL.
- 8.5 Employees claiming SNCP in the tier one period, notice must be given within 28 days of the date to which the notice refers.
- 8.6 Employee claiming SNCP in the tier 2 period must provide 15 days' notice for a single week of statutory pay and 28 days' notice for two or more consecutive weeks of statutory pay.

9. Returning to work

- 9.1 Employees taking NCL have the right to return to work to the same job, unless the return is after a period of 26 weeks, at which point they will have the right to return to a similar job, on no less favourable terms, if it is not practicable for them to return to the same job.
- 9.2 Employees will also be entitled to additional protections in a redundancy situation whilst taking NCL and for a period of 18 months from the child's date of birth if they have taken more than 6 consecutive weeks of NCL.

10. Further Support

- 10.1 Further support is available to employees, including:
- [Employee Assistance Programme](#)
 - [Mental Health First Aiders](#)
 - [Wellbeing Resources](#)
 - [Parent and Carers' Staff Network](#)
 - [Tommy's](#)
 - [Child Bereavement UK](#)

Relevant University Policies

[Maternity Policy](#)

[Paternity Policy](#)

[Shared Parental Leave Policy](#)

[Parental Leave Policy](#)

[Flexible Working Policy](#)

[Compassionate Leave Policy](#)

[Emergency Dependents Leave Policy](#)

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- **History (where discussed / who circulated to / committees considered:** SLT, UEC, JNC

Appendix 1



Neonatal care - leave notification form

- Employees do not have to give notice in writing for leave during the tier one period.
- If the employee is taking neonatal care leave in the tier two period, this form should be used alongside the "Statutory Neonatal Care Pay notification form", (available as a separate download) if the employee wishes to claim entitlement to Statutory Neonatal Care Pay.

Please ensure you read our neonatal care leave policy before completing this form to ensure you qualify for neonatal care leave and understand how it can be taken. A copy of the policy can be found on the HR pages of the website.

| | |
|---|--|
| Employee name | |
| Department | |
| Child's date of birth (and date of adoption where relevant) | |
| Date(s) the child started receiving neonatal care | |
| Date(s) the child stopped receiving neonatal care | |
| Start date of proposed neonatal care leave | |
| Number of weeks leave to be taken | |
| Please note that you are required to give notice of your intention to take neonatal care leave. If the child is no longer receiving care, this is either 15 days for one week of leave or 28 days for two or more weeks of leave. | |

Declaration

| | |
|---|--------------------------|
| I am entitled to take neonatal care leave because: | |
| 1.1. I am either: <ul style="list-style-type: none">• at the date of birth:<ul style="list-style-type: none">○ the child's parent○ the child's intended parent○ the partner of the child's mother• at the date of placement:<ul style="list-style-type: none">○ the child's adopter○ the child's prospective adopter○ the partner of either of the above• have, or expect to have, responsibility for the upbringing of the child | <input type="checkbox"/> |
| 1.2. I am taking the leave to care for the child in question | <input type="checkbox"/> |
| 1.3. I have not exceeded my entitlement to neonatal care leave | <input type="checkbox"/> |
| 1.4. I have given at least the required amount of notice. | <input type="checkbox"/> |

I understand that if I knowingly misuse neonatal care leave, e.g. request or take neonatal care leave for a purpose other than that intended by the statutory right to take neonatal care leave, I may be subject to disciplinary proceedings.

| | |
|---------|--|
| Signed: | |
| Date: | |

Appendix 2



Statutory Neonatal Care - Pay notification form

- If the employee is taking neonatal care leave in the tier one period, this form should be used to claim entitlement to Statutory Neonatal Care Pay. Employees do not have to give notice in writing for leave during this period.
- If the employee is taking neonatal care leave in the tier two period, this form should be used to claim entitlement to Statutory Neonatal Care Pay, alongside the "Neonatal care leave notification form", available to download separately.

Please ensure you read our neonatal care leave policy before completing this form to ensure you qualify for Statutory Neonatal Care Pay. A copy of the policy can be found on the HR pages of the website.

| | |
|--|--|
| Employee name | |
| Department | |
| Child's date of birth (and date of adoption where relevant) | |
| Date(s) the child started receiving neonatal care | |
| Date(s) the child stopped receiving neonatal care | |
| Start date of proposed/taken neonatal care leave | |
| Total number of weeks leave | |
| Please note that you are required to give notice of your intention to claim Statutory Neonatal Care Pay. | |

If you have taken leave whilst the child is/was receiving care, you must provide notice within 28 days of the first day of leave.

If the child is no longer receiving care, this is either 15 days for one week of leave or 28 days for two or more weeks of leave.

Declaration

I am entitled to receive statutory neonatal care pay because:

| | |
|--|--------------------------|
| 1.1. I am entitled to take neonatal care leave | <input type="checkbox"/> |
| 1.2. I had 26 weeks continuous service up to the relevant week | <input type="checkbox"/> |
| 1.3. I earned at least the lower earnings limit on average for the eight weeks up to the relevant week | <input type="checkbox"/> |
| 1.4. I have given at least the required amount of notice. | <input type="checkbox"/> |

| | |
|---------|--|
| Signed: | |
| Date: | |