

Neonatal Care Leave and Pay Policy

Policy Code:	HR20
Policy Start Date:	April 2025
Policy Review Date:	April 2028

Please read this policy in conjunction with the policies listed below:

- HR8 Equal Opportunities and Diversity Policy
- HR10 Redundancy Policy
- HR11 Pay Policy
- HR13 Special Leave Policy
- HR15 Time Off for Dependants Policy
- HR18 Staff Sickness and Absence Policy
- HR19 Maternity, Paternity, Adoption, Parental and Shared Parental Leave Policy

1. Policy Statement

- 1.1 This policy outlines the statutory rights and responsibilities for staff who are pregnant or have recently given birth, and sets out the arrangements for neonatal care leave and pay to support our colleagues. It does not apply to agency workers or the self-employed.
- 1.2 No member of staff will be subjected to any detriment or lose any career development opportunities as a result of taking time off in accordance with this policy.
- 1.3 The Trust is committed to a programme of action to make this policy effective and bring it to the attention of all staff.
- 1.4 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at The Priory Witham Academy, Priory Apprenticeships and Lincolnshire SCITT.
- 1.5 This policy does not form part of any member of staff's contract of employment and it may be amended at any time.
- 1.6 This policy does not apply to agency workers, consultants or self-employed contractors.

2. Roles, Responsibilities and Implementation

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Pay, Performance and HR Committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Head of Human Resources.
- 2.2 The Head of Academy/Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

3. Definition of Neonatal Care Leave

- 3.1 Neonatal care leave is intended to support new parents of infants who require neonatal medical attention which starts within the first 28 days of birth. Under this policy, neonatal care encompasses:
 - 3.1.1 Medical care provided to your child in a hospital setting.
 - 3.1.2 Medical care provided to your child in any other location including:

- a. continued medical care post-hospital discharge;
- b. care provided under a consultant's direction;
- c. care which involves ongoing monitoring from healthcare professionals under the direction of the hospital in which your child was inpatient; and
- d. end of life or palliative care.

4. How neonatal care leave can be taken

4.1 There is the option to take neonatal care leave in two different tiers:

4.1.1 The “**Tier 1 period**” commences when your child begins receiving neonatal care and ends on the seventh day following your child’s discharge. If your neonatal care leave is taken during the Tier 1 period, it can be taken in one continuous block or in a number of blocks with durations of no less than 1 x week at a time.

4.1.2 The “**Tier 2 period**” is any remaining time during the 68-week period following your child’s birth which does not fall into the Tier 1 period. Any neonatal care leave taken in the Tier 2 period must be taken in one continuous block.

4.2 You do not need to have taken leave under Tier 1 to be eligible for Tier 2 leave.

5. Notification

5.1 The notice requirements differ depending on whether the period is classified as Tier 1 or Tier 2.

5.1.1 Tier 1

- a. First and foremost, we recognise that this will be a difficult time and so we ask that effort be made to **follow** these timelines, but understand that it may not always be reasonably practical to do so. However, for each week of leave that you wish to take in Tier 1, please notify your Line Manager or Academy Headteacher in writing, in advance of the week you intend to take the leave.
- b. You will also be required to complete the *Notice of entitlement and intention to take neonatal care leave form* which is available from the Human Resources Department. There is no expectation to provide this form in order to receive neonatal care leave but we do request that it is sent to us within 28 days of the first day of your neonatal care leave or as soon as reasonably practical.

5.1.2 Tier 2

- a. If you plan to, or are required to, take neonatal care leave during the Tier 2 period, you will need to give notice of your intent by completing the *Notice of entitlement and intention to take neonatal care leave form* which is available from the Human Resources Department or arrangements can be made to send a copy to staff by post or email.
- b. For a single week of neonatal care leave, where possible the form should be submitted at least 15 days **before** the first date that you have chosen for your leave to start, or as soon as reasonably practical where this timeline is not possible.
- c. If you are taking two or more weeks of Tier 2 leave, your form should be submitted at least 28 days before the **first** date that you have chosen for your leave to start, or as soon as reasonably practical where this timeline is not possible.

6. Eligibility for Neonatal Care Leave

- 6.1 Regardless of length of service, staff may be eligible for neonatal care leave if:
 - a. you are the parent of, and have or expect to have responsibility for the upbringing of, the child;
 - b. you are the intended parent under a surrogacy arrangement and have or expect to have responsibility for the upbringing of, the child;
 - c. you are the child's adopter or prospective adopter via a UK adoption agency or an adoption from overseas; or
 - d. you are the partner of any of the above at the date of birth or placement and will share primary responsibility for the upbringing of the child with the above.
- 6.2 Under this policy, partner is defined as a person of any sex who lives with the mother or prospective adopter in an enduring family relationship but is not their full or half-blood relative.
- 6.3 Additionally, staff must also meet the following conditions in order to be eligible under this policy:
 - a. the child was born on or after 6 April 2025 and received neonatal care within 28 days of birth;
 - b. neonatal care lasted at least seven continuous days (counted from the first full day after the neonatal care started); You are taking leave to care for the child; and
 - c. you have complied with the notice and declaration requirements outlined in this policy.

7. Entitlement to Neonatal Care Leave

- 7.1 Eligible staff may take one week of neonatal care leave for each full, uninterrupted week the child is in neonatal care, up to a maximum of 12 weeks. Neonatal care leave is available once a child has received neonatal care for an uninterrupted period of seven days, not counting the day on which the neonatal care starts. Leave must be taken in minimum blocks of one week. The maximum number of weeks remains the same, even if multiple children from the same pregnancy require neonatal care (e.g., twins).
- 7.2 In adoption cases, neonatal care leave will only be available for each uninterrupted week that the child spends in neonatal care, after the date the child was placed with you or, for adoption from overseas, after the date the child entered the UK.
- 7.3 Neonatal care leave must be taken within 68 x weeks of the child's birth.
- 7.4 The right to neonatal care leave is in addition to any other statutory leave that you may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement, or shared parental leave (see Section 12).

8. Starting Neonatal Care Leave

- 8.1 Your leave will commence on the date that you have specified in your notice, provided that it complies with the notice requirements set out in Section 5.
- 8.2 If you are in work on the same day that you give your notice, your notice will start on the following day.
- 8.3 If notice requirements were not able to be met, your neonatal care leave will begin on a mutually agreed day.

9. Pay Entitlement

9.1 Statutory neonatal care pay

- 9.1.1 Eligible staff may receive statutory neonatal care pay (SNCP) as the lower of the rate currently set by the Government for the relevant tax year or 90% of your average weekly earnings (whichever is lower), subject to meeting the following specific conditions:
- a. entitlement to take neonatal care leave;
 - b. 26 weeks' of continuous employment at the end of the relevant week of pregnancy or the week in which you are notified in writing by an adoption agency of having been matched with a child;

- c. remaining in continuous employment from the end of the relevant week (or from the child's birth if they were born before the relevant week);
- d. your average weekly earnings exceed the lower earnings limit for national insurance contributions; and
- e. you have completed the required form to provide notice of an entitlement regarding neonatal care leave.

9.1.2 Neonatal care pay is treated as earnings and therefore is subject to PAYE and national insurance deductions.

10. Changing leave dates

- 10.1 If your intentions change and you need to cancel a period of neonatal care leave you must inform your Line Manager/Academy Headteacher in writing as soon as possible.

11. Support

- 11.1 Staff struggling due to their child's neonatal care are encouraged to discuss their situation with their line manager or, your HR Business Partner.
- 11.2 The Trust appreciates that these discussions will be difficult but we encourage openness to ensure that the necessary support can be offered. Discussions will be dealt with confidentially and handled with sensitivity.

12. Other Statutory Leave

- 12.1 The entitlement to neonatal care leave is 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.
- 12.2 If you have already commenced a period of statutory leave and then subsequently become eligible for neonatal care leave, or if you become eligible on the day another period of statutory leave starts, you can take your neonatal care leave following the completion of your other period of statutory leave, provided that the neonatal care leave is taken within 68 x weeks of the child's birth date.
- 12.3 If you are within the Tier 1 period of your neonatal care leave but need to begin another type of statutory leave, your neonatal care leave will pause temporarily immediately before the other statutory leave begins. You can then resume your neonatal care leave in one of two ways:
- a. if you are still within Tier 1 period, it will resume immediately following the end of the other statutory leave period; or

- b. if you have transitioned into the Tier 2 period, the remaining balance will be added to the end of the Tier 2 period.

- 12.4 Tier 2 leave cannot overlap with any other type of statutory leave if you are aware of this overlap at the time of giving notice.

13. Changes and Bereavement

- 13.1 Staff must inform their Line Manager/Academy Headteacher of any changes in their child's care status. This includes the date that the neonatal care ends. If, after informing them about the end of the care period, care resumes, you must keep them informed of the new start and end dates.
- 13.2 Bereaved staff may still take accrued neonatal care leave and may be eligible for parental bereavement leave. If you have suffered a bereavement, please contact the Human Resources Department so we can discuss other support that may be available.

14. Staff rights and keeping in touch during leave

- 14.1 During neonatal care leave, terms and conditions of your contract, with the exception of normal pay, will continue. Your pay will be replaced with neonatal care pay depending on eligibility. You will continue to accrue holiday entitlement where applicable and receive pension contributions based on your normal pay if receiving paid leave. Staff pension contributions will be based on actual pay that you receive during your period of neonatal care leave.
- 14.2 Reasonable contact may be maintained to discuss leave arrangements and updates on developments at work.

15. Returning to work

- 15.1 Staff are entitled to return to the same job on the same terms and conditions after isolated neonatal care leave. If you return to work after any consecutive periods of statutory leave which exceeded 26 weeks in total, or if you took NCL following a period of ordinary parental leave of at least 4 weeks, a suitable alternative position on no less favourable terms may be offered if returning to the same job is not feasible.

16. Policy Change

- 16.1 This Policy may only be amended or withdrawn by The Priory Federation of Academies Trust.

The Priory Federation of Academies Trust Neonatal Care Leave and Pay Policy

This Policy has been approved by the Pay, Performance and HR Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.