

1 What is Neonatal Care?

Babies may receive neonatal care for a variety of reasons. This can include because they have been born prematurely (before 37 weeks of pregnancy), they have a low birth weight, they are born with, or develop shortly after birth, a medical condition which needs treatment, or they experience a difficult birth.

2 Definitions

For the purposes of this policy, the term 'neonatal care' includes:

- medical care that a child receives in a hospital;
- medical care that a 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.

In this policy, the term 'partner of the child' can include someone, of whatever sex, who lives with the mother or the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

3 To Whom This Policy Applies

This policy applies to employees employed by Honiton Town Council. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

4 Neonatal Care Leave (NCL)

4.1 Entitlement to NCL (birth)

An employee has a statutory right from day one of their employment to take neonatal care leave if at the date of the child's birth:

- they are the child's parent and have responsibility for the upbringing of the child;
- they are the intended parent; or
- they are the partner of the child's mother and have main responsibility for the upbringing of the child (apart from the mother).

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; and
- the employee has complied with the relevant notice and declaration requirements set out in this policy.

4.2 Entitlement to NCL (adoption)

In cases specifically related to adoption, an employee's 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).

An employee has a statutory right from day one of their employment to take neonatal care leave if at the date the child is placed for adoption:

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

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

- They are the child's overseas adopter and have or expect to have responsibility for the upbringing of the child; or
- They are the partner of the child's overseas adopter and have, or expect to have, main responsibility for the upbringing of the child (apart from their partner).

If the employee is having a child through a surrogacy arrangement, they are entitled to neonatal care leave if at the date of the child's birth:

- they have applied or intend to apply for a parental order within a period of six months;
- they expect the parental order to be granted; and

- they have or expect to have responsibility for the upbringing of the child.

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);
- they are taking the leave to care for the child; and
- they have complied with the relevant notice and declaration requirements set out in this policy.

4.3 Amount of NCL

Employees are entitled to one week of neonatal care leave for each qualifying period of one week that a child spends in neonatal care without interruption.

A 'week' is defined as a period of seven days.

The first qualifying period starts the day after the day on which neonatal care begins. For example, if the child started receiving neonatal care on 7 April, the seven-day count begins on 8 April. This means that the employee can start their neonatal care leave on any day from 15 April.

Subsequent qualifying periods start the day after the end of the preceding qualifying period. For example, if a child went into neonatal care on day one, the first qualifying period would start on day two and end on day eight, and the next qualifying period would start on day nine.

The minimum number of weeks that an employee can take as neonatal care leave is one week and the maximum number of weeks that an employee can take as neonatal care leave is capped at 12 weeks.

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

Both parents of a child are entitled to neonatal care leave, including if they both work for Honiton Town Council.

4.4 How and When NCL Can Be Taken

Neonatal care leave is available to take in two tiers:

Tier 1

The tier 1 period runs from when the child starts receiving neonatal care until the seventh day after the day the baby stops receiving neonatal care.

Tier 1 NCL can therefore be taken from any point after the first week that the child has been in neonatal care until the seventh day after the neonatal care ends.

Tier 1 NCL can be taken in one continuous block or a number of non-continuous blocks of a minimum of one week at a time during this period. A maximum of 12 weeks in total can be taken.

Tier 2

The tier 2 period starts from the eighth day after the neonatal care ends and must end within 68 weeks of the child's date of birth.

Tier 2 NCL, consists of any remaining NCL that was not taken during the tier 1 period.

Tier 2 NCL must be taken in one continuous block.

For examples of tier 1 and tier 2 leave, see Appendix C.

4.5 Notice to Take NCL

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

4.5.1 Notice during the tier 1 period

The employee must notify the Town Clerk for each week of tier 1 NCL that they wish to take. This can be done verbally or in writing.

Preferably the Town Clerk should be notified before the first day of absence in that week or as soon as is reasonably practicable to do so.

Following the initial request, the employee should then complete the Intention and Entitlement to Take Neonatal Care Leave form, which can be found in Appendix A (birth) or Appendix B (adoption).

There is no expectation that an employee should complete this form straight away while the child is receiving neonatal care. However, the organisation does request that the form is sent to the Town Clerk within 28 days of the first day of neonatal care leave, or if this is not possible, as soon as reasonably practicable.

4.5.2 Notice during the tier 2 period

The employee must notify the Town Clerk if they wish to take any remaining NCL not taken during the tier 1 period. This must be done in writing, using the Neonatal Care Leave form, which can be found in Appendix A (birth) or Appendix B (adoption).

If the employee wishes to take only a single week of neonatal care leave, then their notice should be received by the Town Clerk 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.

If the employee wishes to take two or more consecutive weeks of neonatal care leave, their notice should be received by the Town Clerk 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 reasonably practicable.

4.5.3 Amending notice to take NCL

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 Town Clerk as soon as reasonably practicable.

5 Neonatal Care Leave and Other Types of Parental Leave

Parents will have 68 weeks to take their neonatal care leave entitlement from the baby's date of birth, which means that they will be able to take their full entitlement to neonatal care leave in addition to other types of parental leave.

If an 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 the child's birth date.

If the employee has already started a period of neonatal care leave during the tier 1 period but needs to begin another type of statutory leave (e.g. shared parental 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.

Employees 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.

5.1 Maternity Leave

Employees who qualify for maternity leave will need to take their neonatal care leave after their maternity leave ends, as maternity leave will be automatically triggered by the birth of the baby or babies and cannot be paused and restarted.

5.2 Adoption Leave

Employees who qualify for adoption leave will need to take their neonatal care leave once adoption leave has ended. Adoption Leave cannot be paused and restarted.

5.3 Shared Parental Leave

If an employee wishes to take shared parental leave then they can choose to take neonatal care leave either:

- straight after their maternity or adoption leave ends but before their shared parental leave starts; or
- in between/after periods of shared parental leave

provided that their neonatal care leave is taken within 68 weeks of the child's birth date.

5.4 Paternity Leave

Employees who qualify for paternity leave can take their neonatal care leave either before or after their paternity leave, provided that their neonatal care leave is taken within 68 weeks of the child's birth date.

6 Adoption Placement Disrupted

Employees who have accrued entitlement to neonatal care leave may still be entitled to take their neonatal care leave if their adoption placement is disrupted.

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.

Employees should refer to the Adoption Policy and seek advice from the Town Clerk regarding entitlement to leave and other support that may be available.

7 Bereavement

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.

Employees may also be entitled to parental bereavement leave in these circumstances as set out in the organisation's Leave Policy.

In such cases, employees should speak to the Town Clerk so that their entitlement to leave and other support can be discussed.

8 Neonatal Care Pay (NCP)

The maximum number of weeks for which an employee can receive neonatal care pay is capped at 12 weeks.

Any periods of NCL taken will be paid at the current Statutory Neonatal Care (SNC) rate or at 90% of the employee's average weekly earnings (whichever is lower).

Employees may be eligible to receive Statutory Neonatal Care Pay if:

- They are entitled to take neonatal care leave;
- They have at least 26 weeks' continuous employment with the organisation at the end of the relevant week;
- They are still employed at the time of taking NCL;
- 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 using the appropriate paperwork.

In this policy "relevant week" means the 15th week before the expected week of childbirth if you are entitled to statutory maternity or paternity pay. In all other cases, it means the week before the neonatal care begins.

9 Keeping In Touch and Returning To Work

Employees should refer to the relevant parental leave policy (maternity, paternity, shared parental, adoption, and parental bereavement leave) for further details on keeping in touch days and returning to work.

10 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

Relevant child-related leave in the Local Government Pension Scheme means:

- ordinary maternity or adoption leave – normally the first 26 weeks
- paid additional maternity or adoption leave – normally week 27 to week 39
- paid shared parental leave
- paternity leave
- paid parental bereavement leave and
- paid neonatal care leave.

During a period of relevant child-related leave, the employee's pension is usually worked out using their Assumed Pensionable Pay. Assumed Pensionable Pay is a notional figure that is used to make sure their pension is not affected by the pay reduction. They would continue to build up a pension in the LGPS as if they were working normally and receiving normal pay.

Assumed Pensionable Pay does not apply during:

- **unpaid** additional maternity/adoption leave (normally from week 40 – 52)
- **unpaid** shared parental leave
- **unpaid** parental bereavement leave
- **unpaid** neonatal care leave
- **unpaid** carers leave
- parental leave, which is always **unpaid**
- bereaved partner's paternity leave, which is always **unpaid**

These unpaid periods of leave will not count for pension purposes unless the employee pays extra pension contributions to buy the pension they have 'lost'. The extra contributions are known as Additional Pension Contributions or APCs. If an employee elects to pay APCs to buy 'lost' pension, they must notify the Town Clerk of this in writing. If they do so **within 30 days** of returning to work, the cost will be split between the employee and employer.

Employees can use the 'Buy Lost Pension Calculator' on the LGPS Member website to find out more about this option. To do so, they would need some information about the amount of pay 'lost' in the unpaid period. This can be requested from the Town Clerk.

11 Continuous Service

Neonatal care leave counts as continuous service for statutory and contractual purposes.

12 Leave During Neonatal Care Leave

12.1 Annual Leave

Annual leave continues to accrue during neonatal care leave.

12.2 Bank/Public Holidays

Bank/public holidays continue to accrue during neonatal care leave.

13 Requesting Support

Employees finding it difficult to cope at work because their child is in neonatal care, are encouraged to speak to the Town Clerk.

Honiton Town Council 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 will be treated sensitively and in strict confidence.

Appendix A

Neonatal care leave: notice of entitlement and intention (birth)

This form is to confirm your notice and entitlement to take neonatal care leave (and pay, where applicable). Once you have completed the form, it should be submitted to the **Town Clerk**

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:

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)

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:

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)

AND

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 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:

Appendix B

Neonatal care leave: notice of entitlement and intention (adoption)

This form is to confirm your notice and entitlement to take neonatal care leave (and pay, where applicable). Once you have completed the form, it should be submitted to the Town Clerk

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:

My child was placed for adoption on:

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)

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:

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)		
AND		
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 adoption or paternity pay and have 26 weeks' continuous employment ending with the week in which [I/the adopter] was notified of having been matched for adoption with the child.		
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:

Appendix C

Example 1: Consecutive leave (tier 1)

A child is born on 12 April 2025 and needs three weeks of neonatal care. The child leaves hospital on 5 May. The child's father takes his first week of leave during week 2 of the child's neonatal care, his second week of leave during week 3 of the child's neonatal care and his third week of leave in the week immediately after the child's discharge.

He notifies his employer that he will be taking a week's leave before he is due to begin work at the start of each working week, on 21 and 28 April and 6 May (as 5 May is a bank holiday).

Example 2: Non-consecutive leave (tier 1)

A child is born on 12 April 2025 and needs four weeks of neonatal care. The child leaves hospital on 12 May. The child's father takes his first and second weeks of leave during weeks 2 and 3 of the child's neonatal care, then returns to work for a week. He takes his third week's leave in the week immediately after the child's discharge. He decides to use his fourth week of leave from 4 August 2025, in the tier 2 period.

He notifies his employer that he will be taking leave before he is due to begin work at the start of each working week in which he will be absent during the tier 1 period, on 21 April, 28 April and 12 May.

He will need to give his employer notice at least 15 days before the first day of his final week of neonatal leave in August, so by 20 July.

Example 3: Consecutive leave (tier 2)

A child is born on 12 April 2025 and needs four weeks of neonatal care. The child's mother is on maternity leave. She wants to take her neonatal care leave at the end of her additional maternity leave on 29 March 2026, before she returns to work.

She needs to give her employer at least 28 days' notice before the first day of her four-week neonatal care leave period, so by 1 March 2026.

If she took only two weeks' neonatal care leave at the end of her maternity leave, she would not be able to take a further two weeks' leave at a later date, because during the tier 2 period any remaining weeks of neonatal care leave must be taken consecutively.