



Neonatal Care Leave Policy

ODBST Level 1 Statutory Policy:	ALL Schools require this policy with no changes allowed to core text. No changes are necessary to personalise this with school name and branding, as this is a Trust level policy for use, without change, by all schools. LGBs will note adoption in LGB meetings. Review will take place at Trust level, and schools will be notified of updates and review dates as necessary.
Other related ODBST policies and procedures:	Health & Attendance policy Maternity, Adoption, Paternity & Shared Parental Leave policy Flexible Working policy Leave policy
Committee responsible:	FRAPP
Approved by:	FRAPP
Date Approved:	Summer term 2025
Review date:	Summer term 2027

In reviewing this policy the Trust Board has had regards to the Equality Act 2010 and carried out an equality impact assessment. It is satisfied that no group with a protected characteristic will be unfairly disadvantaged.

1. Introduction

The purpose of this policy is to set out the arrangements for neonatal care leave, which is intended to help employees whose baby requires specialist neonatal care after birth.

This policy does not form part of any contract of employment or other contract to provide services and may be amended at any time.

2. Scope

This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers, or interns.

3. Responsibility for the policy

The Trustees have overall responsibility for the effective operation of this policy but has delegated responsibility for overseeing its implementation to the Headteachers (for schools) and the Trust Officers (for the Shared Services Team). Suggestions for changes to this policy should be reported to the ODBST HR team on hr@odbst.org.

Any questions you may have about the day-to-day application of this policy should be referred to your line manager in the first instance.

4. Neonatal Care

Neonatal care is medical care of a child that starts within 28 days of birth. This covers any hospital treatment, including treatment in a special care baby unit (SCBU), local neonatal unit (LNU) or neonatal intensive care unit (NICU), as well as treatment in a maternity home, clinic, or hospital outpatient department. It also includes ongoing monitoring and home visits from healthcare professionals directed by a consultant and arranged by the hospital where the child was an in-patient. It can include palliative or end of life care.

5. Entitlement to neonatal care leave

Neonatal care leave (NCL) 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. Each uninterrupted week of neonatal care is a qualifying week. Part weeks are not included.

In adoption cases, a qualifying week only includes time spent 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.

Employees are entitled to one week of NCL for each qualifying week of neonatal care, up to a maximum of 12 weeks.

6. Eligibility for neonatal care leave

You may be eligible for neonatal care leave if you are:

- a) The child's parent;
- b) Their intended parent under a surrogacy arrangement;
- c) Their adopter or prospective adopter via a UK adoption agency or an adoption from overseas;

- d) The partner of any of the above at the date of birth or (in the case of adoptions) at the date of placement by a UK adoption agency or the date the child entered the UK if adopting from overseas;

and you have or expect to have responsibility for the child's upbringing (or, if you are the partner of the child's mother, the main responsibility apart from any responsibility of the mother).

7. Taking neonatal care leave

NCL cannot be taken during the waiting period which is the first week of neonatal care. In many cases you may already be on maternity, paternity, adoption, or shared parental leave during the waiting period. If not, please talk to your manager if you need time off, which may be available as paid holiday or unpaid time off for dependents (see the ODBST Leave Policy).

NCL can be taken any time after the waiting period, up to 68 weeks after the date of birth.

The rules for taking NCL depend on whether NCL is being taken in a Tier 1 period or a Tier 2 period. The rules are more flexible during a Tier 1 period.

The Tier 1 period starts after the waiting period and lasts until seven days after neonatal care has ended. If you want to start NCL during a Tier 1 period:

- a) Please notify your manager on or before the day you want to start your NCL. If you are giving notice on the day, this should be before the time you are due to start work. If you have already started work, you will start NCL on the following day. You may be able to take the rest of the day off under our Time Off for Dependents contained within the ODBST Leave Policy where necessary.
- b) You must tell your manager the child's date of birth, the date neonatal care started and, if it has ended, the date it ended. You must give all the information required under paragraph 8 in writing within 28 days of the start of NCL.
- c) You can take NCL in one continuous period or split into multiple periods of one or more whole weeks.
- d) Where you intend to remain on NCL for more than one week, please notify your manager as soon as possible and in any case by the start of each subsequent week of NCL.

The Tier 2 period lasts from the end of the Tier 1 period until 68 weeks after the date of birth. If you want to start NCL during a Tier 2 period:

- a) You must give 15 days' notice to take one week of NCL, or 28 days' notice to take two or more weeks of NCL.
- b) The notice must be in writing and must contain the information set out at paragraph 8.
- c) NCL must be taken as one continuous period of a whole number of weeks.

If your child is discharged from neonatal care, but neonatal care starts again within the first 28 days after birth and continues for a further qualifying week or more, the Tier 1 period will resume until seven days after the neonatal care ends.

Where neonatal care is ongoing when you give the notice required by Tier 1 or Tier 2, please notify your line manager once the neonatal care ends. If your child starts to receive neonatal care again, please notify your line manager of the start and end dates of the further period of neonatal care as soon as possible in each case.

8. Written information required

You must provide the following information in writing:

- Your name.
- Your child's date of birth.
- In UK adoption cases, the date of placement, or in overseas adoption cases, the date your child entered Great Britain.
- The start and end dates (if known) of any period(s) of neonatal care.
- The date the period of NCL started or will start.
- The number of weeks of NCL you intend to take or have taken.
- A declaration that the purpose of the NCL is to care for your child.
- If it is the first notice in respect of your child, a declaration that you meet the eligibility requirements set out in clause 6 of this policy.

9. Cancelling NCL in the Tier 2 period

You can cancel a planned period of NCL that is due to start in a Tier 2 period by telling your line manager at least 15 days before the leave starts (for a single week of NCL) or 28 days before the leave starts (for two or more consecutive weeks of NCL).

10. Neonatal care pay

You will qualify for statutory neonatal care pay (SNCP) during NCL if you have already qualified for statutory maternity pay (SMP), statutory paternity pay (SPP) or statutory adoption pay (SAP) in respect of the child.

If you have not qualified for SMP, SPP or SAP, you can still qualify for SNCP if your average earnings are not less than the lower earnings limit set by the government each tax year, and you have at least 26 weeks' continuous employment by the end of the week before the neonatal care starts.

SNCP is only payable in respect of whole weeks of NCL, at the same rate as statutory paternity pay. The rate is set by the government each tax year.

All employees are entitled to full pay during the first week of neonatal care leave. This includes any SNCP that may be payable for that week. For salaried employees, full pay is based on your basic pay. For casual employees, it is based on an average over a period of 8 weeks prior to the end of the relevant week.

11. Interaction with other family leave

Taking NCL does not affect your entitlement to other family leave and pay, such as maternity leave and pay, adoption leave and pay, paternity leave and pay, shared parental leave, and pay or parental leave.

If you are taking maternity, adoption, paternity, parental or shared parental leave at the time your child starts neonatal care, you can take your NCL after that leave ends. You must give the relevant period of notice and written information set out above.

If your NCL is interrupted by the start of another pre-booked period of statutory family leave (such as paternity leave, parental leave, or shared parental leave) then the interrupted NCL period will resume straight away after the other leave, provided you are still in the Tier 1 period (that is, if neonatal care is still ongoing or has ended within the last week). If you are now in a Tier 2 period

(that is, the neonatal care ended more than a week ago) the remainder of the interrupted NCL must be added onto any further period of NCL that you are intending to take.

Alternatively, if we agree, you may delay the start of the other leave until immediately after the end of your NCL.

When booking a period of NCL in the Tier 2 period you must ensure it will not be interrupted by the start of another period of family leave that you have booked.

For information about time off and other support for neonatal loss, please see our Stillbirth and Neonatal Loss Policy and our Parental Bereavement Leave Policy.

12. Redundancies during or after NCL

If your role is affected by a redundancy situation occurring during your NCL, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to redundancies.

If your role is affected by redundancy while you are on NCL or after you have returned from a period of at least six consecutive weeks of neonatal care leave and are within 18 months of the child's date of birth or placement for adoption, you shall be offered a suitable alternative vacancy that is appropriate to your skills, if one is available. Similar protection applies during pregnancy and some other types of family leave.