

Neonatal Care Leave Policy

1. Introduction

Neonatal Care Leave is designed to assist new parents of babies who are admitted into Neonatal Care.

This policy sets out the rights of employees to Neonatal Care Leave and Pay in relation to children who:

- are born on or after 6 April 2025;
- started receiving neonatal care within 28 days after their birth, for a period of seven days or longer without interruption.

In this policy, Neonatal Care means:

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

We understand that having a child in Neonatal Care is an extremely stressful and challenging experience. As an organisation, we are committed to supporting employees and doing what we can to help ensure that they are able to be by their child's side while looking after their own health and wellbeing.

2. Scope of policy

The policy applies to all employees, across all grades and groups including academic and professional services, fixed term and Associate Lecturers, part time and full time, permanent and temporary.

It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

This policy does not form part of the employee contract of employment and may be amended at any time.

3. Responsibilities

Employee:

- Comply with the requirements of the Neonatal Care Leave Policy

- Ensure that any notification of Neonatal Care Leave and/or pay is made in accordance with this scheme and any statutory requirements
- Cooperate with management in the execution of their duties and responsibilities in relation to this policy

Line Manager:

- Understand the Neonatal Care Leave Policy, and related procedures, attending appropriate training as required
- Ensure that employees are aware of the Neonatal Care Leave Policy
- Manage any requests received in accordance with the requirements of the policy
- Remain in regular and reasonable contact with the employee for the duration of the Neonatal Care Leave period

Human Resources:

- Ensure that the Neonatal Care Leave Policy is kept up to date and reflects any changes to entitlement
- Provide training, coaching, advice, guidance and support as appropriate.
- Acknowledge, process and administer any request received and made in accordance with this policy

4. Entitlement to Neonatal Care Leave

All employees, no matter their length of service, have a statutory right to take Neonatal Care Leave if at the date of the child's birth (or at the date the child is placed for adoption):

- the employee is the child's parent, adopter or prospective adopter (in a "foster to adopt" arrangement) and has responsibility for the upbringing of the child; or
- the employee is the partner of the child's mother, adopter or prospective adopter, and has responsibility for the upbringing of the child.

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

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:

- the employee has applied or intends to apply for a parental order within a period of six months;
- the employee expects the parental order to be granted; and
- the employee has or expects to have responsibility for the upbringing of the child.

Additionally, the following conditions must be satisfied:

- the child must be 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.

5. Amount of Neonatal Care Leave

The amount of Neonatal Care Leave that an employee can take is one week for every week the child has spent in neonatal care without interruption. A week is defined as a period of seven days starting from the day after the neonatal care began.

The maximum number of weeks that an employee can take as neonatal care leave is capped at 12 weeks.

Any neonatal care leave must be taken in blocks of at least one week.

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

6. Timing of Neonatal Care Leave

An employee can start the Neonatal Care Leave on any day after their child has received seven days of uninterrupted neonatal care. The seven days are counted from the day after the Neonatal Care started.

Any Neonatal Care Leave must end within 68 weeks of the child's date of birth.

Neonatal Care Leave is available to take in two tiers:

- The "tier 1 period" begins when the child starts receiving Neonatal Care and ends on the seventh day after the child is discharged. If the employee takes Neonatal Care Leave in the tier 1 period, they can take it in one continuous block or a number of non-continuous blocks of a minimum of one week at a time.
- The "tier 2 period" is any remaining period (within 68 weeks after the child's date of birth) that is not part of the tier 1 period. If the employee takes Neonatal Care Leave during the tier 2 period, they must take the leave in one continuous block.

7. Notice to take Neonatal Care Leave

Notice during the tier 1 period

For each week of Neonatal Care Leave that the employee wishes to take in tier 1, they

should notify their line manager as soon as possible by telephone or email, preferably before the first day of absence. Employees are also required to complete the Neonatal Care Leave and Pay notification form.

We understand that this is likely to be a challenging time, so request that notice is given as soon as is reasonably practicable for the employee to do so and that the notification form is completed within 28 days of the first day of Neonatal Care Leave.

Notice during the tier 2 period

If the employee wishes to take Neonatal Care Leave in the tier 2 period, the employee will need to give notice in writing of their intention and entitlement to take neonatal care leave by completing the Neonatal Care Leave and Pay notification form.

If the employee intends to take a single week of Neonatal Care Leave, notice should be sent by the employee to the line manager at least 15 days before the first date that they have chosen to commence leave.

If the employee intends to take two or more consecutive weeks of Neonatal Care Leave, notice should be sent by the employee to the line manager at least 28 days before the first date that they have chosen to commence leave.

8. Changing Neonatal Care Leave plans

If an employee has submitted a notice of intention and entitlement to take Neonatal Care Leave during the tier 2 period but wishes to cancel the leave at a later date, the employee must inform their line manager in writing at least 15 days before the first date of leave for a single week of Neonatal Care Leave, or at least 28 days before the first date of leave for two or more consecutive weeks of Neonatal Care Leave.

9. Late notice

We understand that having a child in neonatal care is an incredibly difficult time for parents. If it is not possible for an employee to meet the timeframes for giving or withdrawing notice as set out in this policy, we will still consider the notification and, in some cases, we may waive the requirement for notice altogether.

10. Other Statutory Leave

Employees are entitled to take Neonatal Care Leave in addition to any other statutory leave that they may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement and shared parental leave

If the employee has already started a period of statutory leave, but subsequently becomes eligible for Neonatal Care Leave, they can take any Neonatal Care Leave after completing the other statutory leave, provided that the 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, their Neonatal Care Leave will be temporarily paused immediately before the other statutory leave begins. For example, an employee taking Neonatal Care Leave may pause this and start a period of Partner Leave or Shared Parental Leave. The employee can resume the remaining weeks of Neonatal Care Leave following their other statutory leave in one of two ways:

- if the employee is still within the tier 1 period - immediately after the end of the other period of statutory leave; or
- if the employee has transitioned into the tier 2 period - immediately after any other neonatal care leave taken during the tier 2 period.

11. Neonatal Care Pay

Statutory Neonatal Care Pay is payable to eligible employees during any Neonatal Care Leave period.

Neonatal Care Pay is paid at a statutory rate set by the Government, or at 90% of the employee's average weekly earnings (whichever is lower).

An employee will qualify for statutory Neonatal Care Pay if:

- they are entitled to take Neonatal Care Leave;
- they have at least 26 weeks' continuous employment with the University at the end of the relevant week *;
- they remain in continuous employment from the end of the relevant week (or from the child's birth if they were born before the relevant week);
- their average weekly earnings are not less than the lower earnings limit for national insurance contributions;
- they have complied with the relevant notice as set out in this policy; and
- have confirmed when they wish to start receiving statutory Neonatal Care Pay within the Neonatal Care Leave and Pay notification form.

* The "relevant week" means the 15th week before the expected week of childbirth or the week in which the employee/adopter is notified of being matched with the child for adoption purposes.

12. Changes affecting your entitlement to Neonatal Care Leave and Pay

Employees must inform their line manager when their child's Neonatal Care ends, as soon as reasonable practicable after the care has ended.

If the child starts receiving Neonatal Care again, the employee must update their line manager of the new start and end dates.

13. Taking Neonatal Care Leave where there is a 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.

If an employee has suffered a bereavement, the relevant HR Business Partner can be contacted to discuss and signpost the employee to other support that the University may be able to offer them during this difficult time.

13. Rights during Neonatal Care Leave

During neonatal care leave, all the contractual terms and conditions except normal pay will continue. Pay will be replaced with statutory Neonatal Care Pay if the employee is eligible to receive it.

Employees who are members of the Local Government Pension Scheme (LGPS) will continue to pay contributions on their actual pay at their normal rate whilst in receipt of any Neonatal Care Pay and any such period will be classed as pensionable service. Should an employee qualify for Neonatal Care Leave but not Statutory pay, any period of nil pay will not count as pensionable service. If the employee wishes to make up the amount of lost pension, they need to make the election within 30 days of returning to work to benefit from sharing the cost with the University. Applications received after 30 days will be for the employee only to fund. The Payroll Team will provide details of this process on their return to work. Further information is available on the [Avon Pension Fund website](#).

Members of the Teachers' Pension Scheme (TPS) will continue to make contributions whilst receiving at least half pay or receiving statutory Neonatal Pay. Members of the TPS may be able to buy additional pension, for further information on individual circumstances, further information can be found on the [Teachers' Pensions website](#).

Employee's will continue to accrue holiday entitlement during their Neonatal Care Leave.

14. Contact during Neonatal Care Leave

We reserve the right to maintain reasonable contact with an employee during their Neonatal Care Leave. This may be to discuss plans for taking leave, to discuss any special arrangements to ease the employee's time away from work, or to update the employee on developments at work during their absence.

15. Returning to work after Neonatal Care Leave

An employee has the right to resume working in the same job and on the same terms and

conditions if returning to work from a period of isolated Neonatal Care Leave.

If the employee returns from a period of Neonatal Care Leave that follows on immediately from another period of statutory leave (such as maternity, adoption, paternity, parental bereavement or shared parental leave) and the total time on leave is more than 26 weeks, the employee has the right to return to the same job wherever possible. However, if this is not reasonably practicable, the University will offer a suitable alternative job on terms and conditions that are no less favourable.

This also applies if the employee has taken Neonatal Care Leave consecutively with a single period of more than four weeks of ordinary parental leave.

16. Additional support

If you are finding it difficult to cope at work because your child is in Neonatal Care, you are encouraged to speak to your line manager. If for any reason you are unable to approach your line manager, you can speak to your [HR Business Partner](#).

We 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 with your line manager or the HR department will be treated sensitively and in strict confidence.

Document Details

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