

Neonatal Leave Guidance



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This guidance explains the circumstances in which employees will be entitled to statutory neonatal care leave ('neonatal leave') and statutory neonatal care pay ('statutory neonatal pay') and the arrangements for these.

This guidance should be read in conjunction with the Family Leave Policy.

We understand this is a challenging time for families. If you need assistance with your eligibility and entitlements, please contact hrhelpdesk@falkirk.gov.uk or ask your manager to contact us. To determine your eligibility and entitlements, we will need the date your baby was born and the dates they have been in neonatal care.

An employee may be eligible for Statutory Neonatal Care Pay and Leave if they or their partner have a baby that needs neonatal care.

'Neonatal care' is the name given to care for newborn babies which starts in the first 28 days after birth. This may be for:

- hospital care
- medical care after leaving hospital
- palliative or end of life care

Post-hospital medical care must be supervised by a consultant and include ongoing visits or checks arranged by the hospital where the baby was treated.

A baby might get neonatal care for various reasons including, if they are born early, are ill or injured when they are born, have a low birth weight or the delivery was difficult.

The baby must:

- enter neonatal care within 28 days of birth
- spend at least 7 consecutive days in neonatal care
- be born on or after 6 April 2025.

Neonatal Care Leave

An employee can take up to a maximum of 12 weeks' Neonatal Care Leave from the first day of their employment.

You can take one week of leave for every 7 consecutive full days the baby spends in neonatal care. You will not accrue neonatal leave in respect of part-weeks of neonatal care.

You must take all leave within 68 weeks of the baby's date of birth.

You can take the leave:

- while the baby is in neonatal care, or in the first week after (this is sometimes called 'tier 1'). Tier 1 will be used by the partner of the child's mother/adopter who has shared caring responsibilities but is not in receipt of any other

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statutory family leave provision at the time the baby is admitted to neonatal care.

- more than a week after the baby has left neonatal care (this is sometimes called 'tier 2') Tier 2 will be used by those already in receipt of another form of statutory family leave when the baby is admitted to neonatal care.

If your baby enters neonatal care whilst you are on maternity leave (which starts the day after your baby is born), adoption leave or paternity leave, you must take your neonatal care leave after your maternity/adoption/paternity leave has finished.

A week will only be a 'qualifying week' if the period of neonatal care:

- starts within 28 days running from the day after the child's birth ('the 28-day period'); and
- lasts for an uninterrupted period of 7 days, with the first qualifying week starting the day after neonatal care starts.

If neonatal care starts within the 28-day period and continues, uninterrupted, for several weeks, you will accrue neonatal leave in respect of each qualifying week, including those that extend beyond the 28-day period.

If neonatal care stops, then restarts, you can accrue neonatal leave in respect of each separate period but only if each period independently meets the 'qualifying week' conditions above (including starting within the 28-day period and lasting for an uninterrupted period of 7 days).

Some parents will not benefit from this leave, for example where medical issues are only discovered after the first four weeks of the baby's life.

For the first 7 days of neonatal care, a parent isn't entitled to neonatal leave. Managers should be flexible and understanding during this time, allowing employees to use other types of leave such as parental leave, annual leave or paternity leave where this applies.

How leave is taken

If the baby is in neonatal care, or in the first week after, you can take it in blocks of at least one week at a time. You do not have to take these all at the same time.

If it has been more than a week since the baby left neonatal care, you must take any leave you're entitled to in one single continuous block.

You must give you the correct notice for your leave.

Taking Neonatal Care Leave with other types of statutory leave

Neonatal leave is available in addition to other statutory family leave (such as maternity, adoption or paternity leave) and taking neonatal leave does not impact on the amount of other leave available and they do not overlap.

You must take Neonatal Care Leave after any Statutory Maternity or Adoption Leave has ended (Tier 2 is the only option if you are in receipt of other statutory leave when the baby is admitted to neonatal care).

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In instances of maternity leave, which commences when the baby is born, the neonatal care leave accrues until maternity leave ends. For other forms of statutory leave (for example paternity, adoption or shared parental leave), you can request Tier 1 leave while the baby is still in neonatal care, subject to notification requirements. Otherwise, Tier 2 leave can apply to the end of statutory leave and/or be taken in one continuous block of week/s before the end of 68 weeks after birth.

If the baby is in neonatal care, or in the first week after, Neonatal Care Leave can be interrupted by other types of pre-booked parental leave (such as Paternity or Shared Parental Leave). The remaining period of Neonatal Care Leave can be tagged immediately onto the end of the other parental leave.

If leave is being taken later than the first week after the baby leaves neonatal care, it can only be taken in a single block, before or after any other existing parental leave entitlement.

In many cases, neonatal leave will be added onto the end of another type of family leave, such as maternity leave.

The reason for this is that it is highly likely that at the time when the baby is receiving neonatal care, you will be on another type of family leave, usually maternity, adoption or paternity leave. You would then take neonatal leave at the end of that family leave, as a way of compensating you for the time your baby was in neonatal care.

Leave taken in this way is referred to in the legislation as a 'Tier 2' period of leave and must be taken in one continuous block of leave.

Where you aren't on some other family leave whilst the baby is receiving neonatal care, you can still take neonatal leave – this is called a 'Tier 1' period of leave. This is most likely to be where a father or partner's paternity leave has run out while the baby is still in hospital receiving neonatal care.

Tier 1 leave is classed as leave taken whilst the baby is receiving care, and up to a week post discharge. It can be taken in non-continuous blocks of a minimum of one week at a time.

Statutory Neonatal Care Pay

You will not be entitled to your normal pay during neonatal leave, but you will be entitled to statutory neonatal pay during any weeks of neonatal leave if you meet the eligibility conditions explained in the Family Leave Policy.

Statutory Neonatal Care Pay for an eligible employee is paid at Statutory Neonatal Care Pay (SNCP) or 90% of their average weekly earnings, whichever is lower.

To qualify for SNCP, you must have been employed for at least 26 weeks up to the end of the 'qualifying week'.

If you are already entitled to other statutory parental pay - for example, maternity or paternity pay – the qualifying week is the 15th week before the baby is due.

Otherwise, the qualifying week is the week immediately before the baby enters neonatal care.

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You must also:

- remain employed up to the week before you claim for statutory neonatal care pay
- earn on average at least £125 a week (before tax) over an 8-week period

Eligibility

You must qualify for Neonatal Care Leave and SNCP both as a parent with caring responsibility for the baby, and as an employee.

You can get up to 12 weeks' pay and leave if your baby:

- was born on or after 6 April 2025
- spends 7 days or more in neonatal care in a row

You may be eligible if you are taking leave and pay to care for the baby and are also either:

- the baby's parent (biological, adoptive or of a child born to a surrogate) and have caring responsibility for the baby
- the partner of the baby's mother, with shared caring responsibilities

If you or your partner is an adoptive parent

You may be eligible for leave and pay if you are taking the leave to care for the child and either of the following apply:

- the child has been placed with you for adoption (or you've been approved for adoption)
- you are the partner of the adopter and have shared caring responsibilities

You may be eligible if you or your partner are adopting a baby from overseas and:

- you will have caring responsibility for the baby
- the baby has been placed with you
- you have the 'official notification' confirming you're allowed to adopt

If you had the child with the help of a surrogate

You are eligible if you both:

- have responsibility for the upbringing of the child
- apply for a parental order within 6 months of the child's birth

Notice period

You must give notice for:

- Neonatal Care Leave
- Statutory Neonatal Care Pay (SNCP)

If you're eligible, you should give notice for pay and leave at the same time.

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Neonatal Care Leave and Pay

The rules for giving notice depend on whether you are taking the leave:

- while the baby is in neonatal care, or in the first week after (this is sometimes called 'tier 1')
- more than a week after the baby has left neonatal care (this is sometimes called 'tier 2')

You should give notice for leave in writing, for example by email or letter. However, if the baby is in neonatal care (or in the first week after), you can give notice by phone, voicemail or text message instead.

Your manager can agree to waive the requirement to give notice for leave.

If the baby is in neonatal care (or in the first week after) – Tier 1

You should give notice that you're taking leave as soon as possible, and ideally before the time you usually start work. This will be after your child has already had 7 consecutive days of neonatal care. If you need time off for the first week, you should speak to your manager about other types of leave available.

If you need leave to continue, you should give notice again by the end of the previous week.

Your manager can agree to a different frequency of notice with you - for example if the baby is likely to remain in neonatal care for a long time.

You should also tell your manager when the baby leaves neonatal care as soon as possible.

Tier 1 leave notice does not have to be in writing. You can give notice verbally at first, but if you want to claim statutory neonatal pay, you must follow this up with written notice within 28 days of neonatal leave starting.

For example, an employee's baby goes into care on 6 April. The employee should inform their employer before their first day of leave, which will be on 14 April.

If the baby left neonatal care more than a week ago – Tier 2

If you want to take:

- one week of leave/pay, you must give 15 days' notice
- 2 or more weeks of leave/pay, you must give at least 28 days' notice

This week would be after your child has already had 7 consecutive days of neonatal care.

Tier 2 leave notice must be in writing. Tier 2 leave must be taken as consecutive weeks. This means the time off must be taken in one block and cannot be split.

- You can use our form to give this notice – it is available at [insert link / location].

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In some cases, your manager may accept shorter notice, but this will be at their discretion.

What you need to tell us

- your name
- the baby's date of birth and, if adopted, the date they were placed with you (or the date the baby entered Great Britain if adopted from overseas)
- the start and end date of the baby's neonatal care
- when you want your neonatal care leave to begin
- how many weeks of leave you are taking

In the case of multiple births, you should provide this information for each child.

You must also confirm that you:

- are taking the leave and pay to care for the child
- have parental responsibility for the child, if this is the first time you are giving notice for Neonatal Care Pay and Leave

Cancelling Neonatal Care leave and pay

You cannot return to work part-way through a week of neonatal leave – it must be taken in full weeks.

You cannot cancel notice for leave and pay if the baby is in neonatal care (or in the first week after).

If it's more than a week since the baby left neonatal care, you can cancel leave and pay by giving written notice:

- for one week of leave/pay - at least 15 days before the leave/pay was due to start
- for 2 or more weeks of leave/pay - at least 28 days before the leave/pay was due to start

Terms and conditions during neonatal leave

All your normal terms and conditions remain in force during neonatal leave, except for terms relating to pay.

Confidentiality

Employers must keep information shared about a baby needing neonatal care confidential. They should only tell others if the parent makes it clear they can share with other employees, clients or customers.

In some situations, you might want your manager to tell other people they work with. This might help others respond sensitively to the situation. Your manager must agree with you when it's appropriate to share the information.

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Frequently asked questions

Can I work during neonatal leave?

- You should not work for us during neonatal leave.
- If you work for another employer during neonatal leave, you will lose your entitlement to statutory neonatal pay unless: (i) the other employer is not liable to pay you statutory neonatal pay; and (ii) you worked for them during the 15th week before the expected week of childbirth.
- If you work for another employer during neonatal leave, and you did not work for them during the 15th week before the expected week of childbirth, you must notify us in writing (e.g. via email) within 7 days of the first day of that work.

What if there are multiple births from the same pregnancy?

In the case of multiple births from the same pregnancy:

- You only accrue neonatal leave in respect of any individual child whose neonatal care lasts for an uninterrupted period of 7 days (running from the day after neonatal care starts). For example, you will not accrue neonatal leave if twins each receive neonatal care for only 5 days.
- You can accrue neonatal leave in respect of more than one child, if they are receiving neonatal care at different times. If they receive neonatal care at the same time, you can only accrue leave in respect of one child.
- The maximum neonatal leave available remains at 12 weeks, even if more than one child receives neonatal care.

When can I take neonatal leave?

You can take neonatal leave while a child is receiving neonatal care or later, however:

- The earliest you can start neonatal leave is on 'day 9' of the child's neonatal care – so if neonatal care starts on a Monday, you cannot start neonatal leave until the Tuesday of the following week. If you need time off work before this, please speak to your line manager about your options.
- You can start leave on any day of the week.
- You must take neonatal leave within 68 weeks of the child's birth. You will lose any neonatal leave not taken within that time. In the case of multiple births from the same pregnancy, the 68-week period runs from the first child's birth.

You must take neonatal leave in blocks of one or more weeks. You cannot take it as single days or periods of less than a week.

If you take neonatal leave:

- During Tier 1: your weeks of leave don't need to be consecutive.
- During Tier 2: you must take the leave in consecutive weeks i.e. one block.

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You can choose how much of your accrued leave you want to take, and don't need to use it all, but you will lose any leave you don't take in that block and will not be able to take it at a different time.

If the baby is in neonatal care, or in the first week after, you can take it in blocks of at least one week at a time. You do not have to take these all at the same time.

If it has been more than a week since the baby left neonatal care, you must take any leave you're entitled to in one single continuous block.

I'm on neonatal leave, but due to start other family leave, what happens now?

You cannot give notice to take neonatal leave during Tier 2 if you know it will be interrupted by other family leave.

If a block of neonatal leave started during Tier 1 and is interrupted by other pre-booked statutory family leave (such as paternity or shared parental leave), your neonatal leave is paused and you move to the other family leave. If the other family leave then ends:

- During Tier 1: you immediately move back onto neonatal leave for the remaining duration of the neonatal leave you originally gave notice for (which might not be the full amount of accrued neonatal leave) – you don't need to give any additional notice to take this; or
- During Tier 2: you don't need to move straight back onto neonatal leave. You should give notice of when you want to take neonatal leave (as per section 18) and you must take the remaining neonatal leave you originally gave notice for consecutively with any other neonatal leave you take.

It is likely that most employees will take NCL at the end of their other family leave entitlement. Whilst the underlying intention is to extend the overall period of leave that can be taken, you may choose instead to end your maternity leave once statutory maternity pay ends at 39 weeks and then move onto neonatal care leave and pay for 12 weeks. This would mean you would benefit from almost a whole year of paid leave.

Keeping in touch

- We understand that when a baby needs care it can be upsetting and stressful for parents, especially in the first few weeks. Keeping in touch with their employer might not be the main priority.
- We will be flexible when employees are giving notice. We allow for someone other than the employee to tell us, such as the employee's friend or family member with your permission. We can talk to you directly when it is appropriate.

What if I am not eligible for neonatal care leave?

Some parents might not be eligible for neonatal care leave. For example, if a baby needs neonatal care for less than 7 consecutive days or if they go into neonatal care after they are 28 days old.

You might instead ask for unpaid time off work to care for your child. This is called ordinary parental leave.

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What if my baby dies after being in neonatal care?

If your baby dies, you might still be eligible to take neonatal care leave.

You would be eligible if:

- your child was in neonatal care for 7 consecutive days or more
- you provided notice for neonatal care leave

The neonatal care leave can start the day after the child dies. If other leave has already been booked, for example maternity, adoption or paternity leave, that must be taken first.

What other policies might help me?

The policies below might also help you.

- Flexible working - If you need to make changes to your working arrangements, you may wish to request flexible working.
- Family Leave - You may be entitled to maternity, paternity, shared parental or adoption leave. Our family leave policy also explains the statutory right to carer's leave and time off for dependants (carers leave)
- Parental bereavement leave - Our Family Leave Policy explains your entitlements in this situation.
- Unpaid parental leave - Eligible employees can take up to 18 weeks' unpaid parental leave for each child for the purpose of caring for that child (up to the child's 18th birthday). This is in addition to other statutory family leave. See our Family Leave Policy.

Support and information

- Contact your line manager or the HR Helpdesk if you have any questions about this policy or want to confirm whether you are entitled to neonatal leave.
- You can contact our employee assistance programme on 0800 171 2181. Alternatively, you can book a telephone appointment online: www.employeeassistance.org.uk and login with access code: Falkirk
- [Bliss](#) for support and information for parents with a baby in neonatal care
- [Mind](#) for mental health information and support