

# Neonatal Leave Policy

**Signed:**

**Chair: S. Gribbin**

**CEO: R. Swindells**

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The provision outlined in this policy applies to all employees of Collective Vision Trust but does not form part of the contract of employment and can be varied from time to time in consultation with the recognised trade unions. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

### 1. What is neonatal care leave?

Neonatal care leave is a statutory entitlement that allows parents to take time off work to care for their newborns who need extended hospital care immediately after birth.

This leave is available to parents of a child born on or after 6 April 2025, who is admitted to neonatal care within the first 28 days of life and requires at least seven continuous days of care.

“Neonatal care” means:

- Medical care that your child receives in a hospital;
- Medical care that your child receives in any other place (providing your 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 your child was an inpatient); or
- Palliative or end-of-life care.

### 2. Who is eligible for neonatal care leave?

You will be eligible for leave if the child you are responsible for is born on or after 6th April 2025 and is receiving neonatal care. The child must have received at least 7 consecutive days of neonatal care within the first 28 days after actual birth, not the due date.

To be eligible, you must have parental responsibility for the child. This means you must be:

- The child's parent, or partner of the child's mother at the date of birth, or
- In cases of adoption, the child's adopter, prospective adopter, or their partner at the date the child is placed
- Intended parents in a surrogacy will be eligible for neonatal care leave if they: have applied for a parental order, intend to apply for a parental order within 6 months of the child's birth.

### 3. How much neonatal care leave is available?

You will accrue 1 week of leave for each week the child is in neonatal care, up to a maximum of 12 weeks. Neonatal care leave has to be taken in week-long blocks.

The neonatal care leave needs to be taken within 68 weeks (approx. 1 year and 3 months) of your child's birth or adoption placement but cannot be taken until after the first 7 days of uninterrupted neonatal care. This leave is in addition to other statutory leave entitlements, such as maternity, paternity, adoption, and shared parental leave (see [Section 7](#)).

### 4. When can you take neonatal care leave?

Neonatal care leave can be taken only after your child has received 7 days of uninterrupted neonatal care – counted from the day after care started.

It is available in two distinct periods:

4.1. The "Tier 1 Period": This is the period when your child is receiving neonatal care or in the first week after. Leave accrues from the day after your child starts receiving neonatal care and lasts for 7 days thereafter. Leave cannot be taken until the day after the first uninterrupted 7-day period of neonatal care. During this phase, leave can be taken in consecutive (continuous) or non-consecutive weeks.

There may be more than one Tier 1 period where your child stops receiving neonatal care for a period of more than seven days and then starts to receive neonatal care again, although this must take place within 28 days of birth. Where this occurs beyond 28 days, it is classed as a Tier 2 period.

4.2. The "Tier 2 Period": This is any period which is not a tier 1 period when you are still eligible for leave (up to week 68). However, leave in this period must be taken consecutively (in one continuous block).

Where there is only one tier 1 period, the tier 2 period runs from the day after the tier 1 period ends until 68 weeks after the child's birth.

### **5. How much notice do I need to give for taking neonatal leave?**

5.1. Tier 1: If the leave is taken whilst your child is receiving care (and up to a week post-discharge), you need to give notice before the start of each week of leave, unless you agree a different frequency with your line manager. You can tell them by phone, text message or voicemail, it doesn't have to be written notice.

5.2. Tier 2: For leave taken after your child has been discharged from neo-natal care (beyond the week post-discharge in Tier 1), you must provide written notice. If you wish to take a single week of leave, notice must be given at least 15 days before the start of the leave. For two or more consecutive weeks, notice must be given at least 28 days in advance. Although notice requirements can be waived by mutual agreement between yourself and your manager.

### **6. Is neonatal leave paid or unpaid?**

Statutory neonatal care pay (SNCP) is payable during the leave period if you meet the eligibility criteria. You must have at least 26 weeks of continuous employment by the 'relevant week', still be in employment in the week before neonatal care starts and earn above the minimum earnings threshold.

The minimum earnings threshold is the amount you need to earn to qualify for certain statutory benefits, like statutory maternity pay.

The 'relevant week' is dependent on any other pay you qualify for as a parent. If you are already eligible for statutory maternity, shared parental or paternity pay, the relevant week is the 15th week before the week the baby is due; for statutory adoption pay, shared parental or paternity pay for adoption, the relevant week is when you are notified of being matched with the child. Otherwise, the relevant week is the week immediately before your baby enters neonatal care.

Please note that SNCP is set by the Government for the relevant tax year. You will either be paid the set SNCP rate or 90% of your average weekly earnings, whichever is lower.

### **7. How does neonatal leave interact with other types of parental leave?**

You are entitled to take neonatal care leave in addition to other statutory leave like maternity, adoption, paternity, ordinary parental, parental bereavement, and shared parental leave. If you become eligible for neonatal care leave whilst taking another statutory leave, such as maternity leave, you can only take neo-natal leave after completing the other statutory leave. The cut-off date for it to be used remains at 68 weeks after birth.

The below shows the different interactions with other types of family leave.

**7.1 Statutory Maternity Leave:** Neonatal leave is separate from maternity leave. If your child needs neonatal care, you can take neonatal leave in addition to your maternity leave. However, your maternity leave starts automatically when your child is born. You can then take neonatal leave after your maternity leave ends. Depending on whether your child is still receiving neo-natal care, the leave type may be Tier 1 or Tier 2.

**7.2 Paternity Leave:** Neonatal leave is also separate from paternity leave. Fathers or partners (including same sex) can use their paternity leave first and then take neonatal leave if needed. If neonatal leave starts before paternity leave, it can continue until paternity leave begins. If there is any remaining entitlement to neo-natal leave, following the period of statutory paternity leave, then you will be able to take that afterwards. This may be Tier 1 or Tier 2 type leave depending on if the child is still under neo-natal care.

**7.3 Adoption Leave:** If you are adopting a child who needs neonatal care, you can take neonatal leave in addition to adoption leave. However, your adoption leave starts automatically when your child is placed with you (whether this is earlier or later than expected or 14 days before the expected week of placement). You can then take neonatal leave after your adoption leave ends. Depending on whether your child is still receiving neo-natal care at that time, the leave type may be Tier 1 or Tier 2.

**7.4 Shared Parental Leave:** Neonatal leave is separate from shared parental leave and can be taken first if shared parental leave hasn't started yet. However, neonatal leave must be paused once shared parental leave begins. Parents can coordinate their leave to ensure that one of them is always available to care for the child.

**7.5 Parental Bereavement Leave:** In the unfortunate event of a loss, neonatal leave can be taken in addition to parental bereavement leave, providing extra time to grieve and manage the situation. Parental bereavement leave is 2 weeks of paid leave that can be taken in week blocks up to 56 weeks after the death of a child. You are entitled to continue your neonatal care leave for the full duration initially planned, even if your child passes away.

It is worth noting that in first 7 days of neonatal care accruing, you are not entitled to neonatal leave. You can consider requesting other types of leave to support time off, such as Ordinary Parental leave, Emergency and Compassionate Leave, Annual leave and Flexi /Lieu time.

## 8. How to apply for statutory neonatal care pay?

If you are eligible for Statutory Neonatal Care Pay (SNCP), and wish to claim it, there are separate notice periods to this, which are different to requesting neonatal leave.

You need to provide your manager with the following notice periods:

### Tier 1 SNCP

- 28 days' notice - where this is possible, or if not possible, as soon as reasonably practicable.

### Tier 2 SNCP

- 15 days' notice for 1 week
- 28 days' notice for 2 or more consecutive weeks

If circumstances don't allow for these notice periods, inform your manager as soon as possible. We will do our best to process your request quickly and include it in the next payroll run.

You will need to provide the relevant information confirming your eligibility, as soon as possible. A form is available to capture the information and declarations required.

Our Payroll provider will confirm your eligibility, and the details of your statutory neonatal care pay.

### **9. Changes affecting your entitlement to neonatal care leave and pay**

You must keep your line manager informed about the date that your child's neonatal care ends as soon as reasonably practicable after the care has ended.

If your child starts receiving neonatal care again, after you have informed us that the care has ended, you must keep your line manager informed of the new start and end dates. It may or may not start another Tier 1 period, depending on whether it occurs within 28 days of birth.

#### **Cancelling Neonatal Care Leave**

You cannot cancel notice for leave 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, an employee can cancel leave by giving written notice:

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

#### **Cancelling Statutory Neonatal Care Pay**

Employees cannot cancel notice for 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, an employee can cancel pay by giving written notice:

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

### **10. Can both parents take neonatal leave simultaneously?**

Yes, both parents can take neonatal care leave at the same time. Each parent is eligible for up to 12 weeks of leave.

### **11. Returning to work after neonatal care leave**

You will be able to return to the job which you were employed under as part of your original contract and on terms and conditions not less favourable than those which you would have been on had you not been absent. This takes into account the nature of the work, capacity and place.

Where not reasonably practicable due to changes in the organisation/school, protection will be applied to you in line with existing legal obligations.

### **12. Can I 'phase back' into work?**

We understand that transitioning back to work after neonatal care leave can be an emotional and challenging time. We will do our best to accommodate a phased return to work, as far as reasonably possible.

There are several options for you and your manager to consider, including:

- Using your carried forward or accrued annual leave (if applicable)
- Using your accrued flexi/lieu time

- Taking Ordinary Parental Leave
- Flexible working application

We understand how important this transition is and we're here to support you. If you have any specific needs or concerns, please talk to your manager.

### **13. What consideration is given to my health, safety, and wellbeing?**

Where schools buy in to the Health and Safety service this provides access to [Wellbeing](#) support via the SLN (Staffordshire Learning Net). This contains information and resources and provides ideas and solutions to help support your own wellbeing as well as providing advice for your manager.

To fulfil our duty, you must inform your manager as soon as possible if your child requires neonatal care.

If you are a victim of domestic abuse, the pressure around neonatal care may increase risk factors for you and so your manager will seek to provide support to you.

Specific advice on risk assessments can be obtained from your Health and Safety provider.

### **14. What happens to my pension contributions whilst on neonatal leave?**

We will continue to make pension contributions based on your normal pay during any period of paid neonatal care leave. The contributions that you make will be based on the actual pay that you receive during your neonatal care leave.

The organisation's pension contributions will cease during any period of unpaid neonatal care leave.

You should seek advice on how neonatal leave is likely to affect your pension rights in the long term or how to buy back service. Advice can be sought from:

- The Pensions Section for employees in the Local Government Pension Scheme; or
- The Teacher Pensions or relevant professional associations for employees in the Teachers' Pension Scheme.

Please note that some schemes, such as LGPS, have a time limit (currently 30 days of your return to work) in which you can apply for additional pension payments and the employer will pay 2/3 of your contributions. Beyond this you would be required to fund their contributions to your pension fund.

### **15. Holiday Entitlement**

Your contractual annual leave will continue to accrue during any neo-natal leave period.

Bank holidays will also continue to be accrued during neo-natal leave period as they fall, and you will be entitled to take these on your return to work.

You are allowed to carry forward your untaken statutory holiday entitlement (28 days / 5.6 weeks) to take in the following leave year. Line managers will have discretion to approve carry forward of untaken contractual leave.

## 16. Communication during neonatal care leave

When you are caring for a sick child, keeping in touch with us might not be the main priority. With your permission, we may find talking to a close friend or family member easier. We will organise talking to you directly when it is appropriate and reasonable.

We will keep information shared about your child needing neonatal care confidential. We will only tell others if you make it clear we can share with other employees, clients or customers.

In some situations, you might want us to tell other people you work with. This might help others respond sensitively to the situation. We will agree with you when it's appropriate to share the information.

This conversation will probably not take place immediately. But we should find an appropriate time to talk about this.

You and your manager will agree how, what and when you want to be communicated with whilst on neonatal leave to ensure you don't miss out on important developments or opportunities. If, during your leave, you want to adjust that communication plan, let your manager know as soon as possible.

In some instances, changing circumstances in the organisation/school could mean additional contact may be necessary to ensure that adequate involvement and consultation on key issues is assured.

## 17. What if I am not eligible for neonatal care leave?

You might not be eligible for neonatal care leave. For example, if a baby needs neonatal care for less than 7 consecutive days.

You can consider requesting other types of leave to support time off, such as Ordinary Parental leave, Emergency and Compassionate Leave, Annual leave and Flexi /Lieu time.