

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance Committee
DATE	21 April 2025
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Neonatal Care Leave and Pay
REPORT NUMBER	CORS/25/076
EXECUTIVE DIRECTOR	Andy MacDonald, Director – Corporate Services
CHIEF OFFICER	Isla Newcombe, Chief Officer – People and Citizen Services
REPORT AUTHOR	Sharon Robb, Employee Relations Casework Lead Gaynor McKechnie, People and Organisational Development Advisor
TERMS OF REFERENCE	2.5

1. PURPOSE OF REPORT

- 1.1 This report has been prepared to provide Committee with information on the introduction of the new Neonatal Care Leave and Pay legislation which comes into effect on 6th April 2025.

2 RECOMMENDATIONS

That the Committee:

- 2.1 Notes the content of the report and the introduction of the new legislation.
- 2.2 Instructs the Chief Officer – People and Citizen Services to include the Neonatal Care Leave and Guidance as part of the Family Friendly policy and associated guidance documents to be reported to Staff Governance Committee in June 2025.

3 CURRENT SITUATION

3.1 Background

- 3.1.1 Following the Neonatal Care (Leave and Pay) Act 2023 receiving Royal Assent on 24 May 2023, the new legislation comes into force on 6 April 2025.

The Act will provide additional leave and pay for parents of babies born on or after 6 April 2025 who require neonatal care, with a right to up to 12 weeks' leave and pay. The Act provides eligible parents with dedicated time to care for their newborn babies during a challenging period, without impacting their existing parental leave entitlements.

3.1.2 There are two categories of statutory neonatal care leave depending on when the employee takes the leave:

- Tier 1 - is the period during which the baby is receiving neonatal care.
- Tier 2 – is any leave taken outside the tier 1 period.

3.1.3 Guidance has been drafted which applies to all Aberdeen City Council employees. Changes to SNCT terms and conditions are determined nationally and an amendment from SNCT is anticipated, but until such time as this is confirmed, ACC will ensure that those on SNCT conditions receive the legal entitlement.

3.1.4 Neonatal care leave (NCL) is available to parents whose baby, or babies, require neonatal care for at least 7 consecutive days within the first 28 days after birth. Each parent is entitled to a maximum of 12 weeks leave, which is in addition to other statutory parental leave and pay entitlements. NCL must be taken within the first 68 weeks from the baby's birth.

3.1.5 Neonatal care leave will be paid at the statutory rate set by the government for a week's pay up to a maximum of 12 weeks. In order to qualify for Statutory Neonatal Care Pay (SNCP), entitlement will depend on length of continuous service and how much the employee earns. As with other forms of parental leave, an employee will be required to have 26 weeks service by the end of the 15th week before the expected birth. Statutory neonatal care pay will either be paid at the time of neonatal care (tier 1 leave) or at a later date (tier 2 leave). SNCP is paid at the same rate as statutory maternity, paternity or adoption leave currently set at £187.18 per week (reviewed annually by the government) or 90% of average weekly earnings, whichever is lower.

3.1.6 This leave is in addition to other statutory leave entitlements such as maternity, paternity and adoption leave and in most cases would be taken at the end of their normal period of leave.

3.1.7 The new Neonatal Care Leave and Pay guidance will be included in the Council's Family friendly policies and guidance documents which also includes:

- Family Friendly Policy
- Maternity Leave Guidance
- Paternity Leave Guidance
- Shared Parental Leave Guidance
- Adoption Leave Guidance
- Managing Employees Undergoing IVF Treatment Guidance
- Supporting Carers in the Workplace Guidance

3.1.8 In addition, the Council also has a Special Leave Policy which includes special leave and flexible working provisions that employees can use which includes:

- Parental Leave
- Time Off for Dependant / Family Emergencies

- Parental Bereavement Leave
- Time Off for IVF Treatment

3.2 Links to Other Outcomes, Agreements and Pledges

3.2.1 The Council currently has two equality outcomes as an employer. These are:

Improve the diversity of our workforce and address any areas of underrepresentation, ensuring that there are equal opportunities for all protected groups (with consideration for both internal employees and external applicants), with a particular and prioritised focus on Age, Disability, Race and Sex.

Ensure that all of our employees who have protected characteristics feel fully valued, safe and included at work, with a particular and prioritised focus on Age, Disability, Gender reassignment, Race, Sex and Sexual orientation.

To align with these outcomes, each guidance document now includes an 'Inclusivity Statement'; and the language/terminology within each guidance document and the Special Leave Policy has also been reviewed and updated.

3.2.2 In November 2022, Aberdeen City Council committed to sign the [Pregnancy Loss Pledge](#) which was subsequently done in 2023. This committed Aberdeen City Council to:

- Encourage a supportive work environment where people feel able to discuss and disclose pregnancy and/or loss without fear of being disadvantaged or discriminated against
- Understand and implement the rules around pregnancy-related leave, ensuring staff feel able to take the time off they need.
- Show empathy and understanding towards people and their partners experiencing pregnancy loss.
- Implement a pregnancy loss policy or guidance, or ensure it is included in sickness, bereavement or other workplace policies – being mindful of the needs of partners, too.
- Support people back to work by being responsive to their needs and showing flexibility wherever possible.

3.2.3 Aberdeen City Council joined the [Equally Safe at Work Accreditation Programme](#) in January 2021. Equally Safe at Work is run by 'Close the Gap' and is intended to provide a framework for employers to create an inclusive workplace culture for women which also prevents violence against women.

3.3 Outcomes

3.3.1 Ensuring compliance with the Neonatal Care (Leave and Pay) Act 2023 links to the following outcomes identified in the [Family Friendly Policies Project Update \(September 2023\) - CUS/23/244](#):

- i. All of our in scope and available policies, provisions and guidance documents are consolidated, streamlined, readily available, easy to understand and clear for those who need it at point of need, packaged within a family friendly 'suite';
- ii. The documents within the family friendly 'suite' are updated so that the language is inclusive and contemporary, reflecting the organisation's Guiding Principles as well as all family types and circumstances, such as LGBTQ+ couples and kinship carers;
- iii. Employee entitlements will be easily understood so that employees make the most informed choices and managers are able to provide consistent and appropriate support and decisions;
- iv. Job Families are considered so that information is accessible in a way that suits the needs of different employee groups;
- v. A communications and engagement plan will be developed to encourage more male employees to make use of family leave provisions;
- vi. Support provisions, such as entitlements around pregnancy loss and counselling services, will be readily available at point of need so that employees will be have easy access to support;
- vii. The organisation will maintain its compliance with the Equality Act (2010) and any other legislative updates.

3.3.2 Further recommendations and proposals may be brought into scope following ongoing engagement and as the project develops. These proposals will be reported to Staff Governance Committee, along with the Family Friendly Policy in June 2025.

3.4 Data

3.4.1 There is no organisational data relating to NCL currently as this is not recorded on our HR/Payroll system, however going forward NCL will be recorded separately and we will be able to gather data.

3.4.2 The UK charity Bliss reported the following data on NCL (only 2016 figures are available).

Around 1 in 7 babies born in the UK are admitted to a neonatal unit each year.

The below table shows the number of babies admitted to a neonatal unit overall in 2016, and how many of these were born at different gestations (point of pregnancy)

Gestation of baby at birth	Number of babies	Percentage of the total number of babies admitted on to a neonatal unit
Total	100,762	100%
Before 25 weeks	1,189	1.2%
26-32 weeks	10,283	10.2%
33-36 weeks	26,758	26.6%
After 37 weeks (Full term)	62,427	62%
Missing data	105	0.1%

- The duration of a baby's stay in neonatal care varies greatly, and entirely depends on the severity of the condition and the gestation (completed weeks of pregnancy) at which they were born.
- 38% of babies admitted to neonatal care are premature.

The next table shows the average length of stay for babies born at different gestations in 2016.

Gestation of baby at birth	Number of babies	Percentage of the total number of babies admitted on to a neonatal unit
Total	100,762	100%
Before 25 weeks	1,189	1.2%
26-32 weeks	10,283	10.2%
33-36 weeks	26,758	26.6%
After 37 weeks (Full term)	62,427	62%
Missing data	105	0.1%

- The average length of stay is 7 days.
- Most babies admitted to neonatal care are born at term and these babies may need only a few days care.
- Premature babies are most likely to have a stay of 7+ days.

(Ref. Bliss.org)

- 3.4.3 Using the above figures as an indicative measure, and based on the numbers of maternity and paternity cases we have received, we anticipate requests for NCL to be very low, as set out below'.

Maternity	
Number of times maternity leave used in the last 5 years	1365
Average number of times maternity leave used each year	273
Estimated number of babies born admitted to neonatal unit each year (1 in 7)	39

Estimated number of these babies born premature (pre 37 weeks) (38%)	15
Estimated number of births qualifying for Neonatal Care Leave & Pay per year (stay of 7+ days)	15

Paternity	
Number of times paternity leave used in the last 5 years	255
Average number of times paternity leave used each year	51
Estimated number of babies born admitted to neonatal unit each year (1 in 7)	7
Estimated number of these babies born premature (pre 37 weeks) (38%)	3
Estimated number of births qualifying for Neonatal Care Leave & Pay per year (stay of 7+ days)	3

4. Next Steps

- 4.1.1 A communications and engagement plan will be developed to increase awareness of the Neonatal Care Leave and Pay Guidance for employees and managers.
- 4.1.2 Support provisions and counselling services, will be readily available at point of need so that employees will have easy access to support.
- 4.1.3 We will ensure the family friendly 'suite' is well-connected to, and makes the most of, government websites and toolkits that are available for employees.
- 4.1.4 Further benchmarking and research will continue with other local authorities, partner organisations as well as with other private and third-sector organisations to identify further best-practice examples.
- 4.1.5 The Chief Officer – People and Citizen Services will report to Staff Governance Committee in 2025 with the revised family friendly policy, along with an update on any other changes and improvements to procedures and guidance documentation.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications resulting from the information in this report, however failure to comply with legislation could result in claims being made against the Council.

6. LEGAL IMPLICATIONS

- 6.1.1 The Council is required to ensure compliance with the Neonatal Care (Leave and Pay) Act 2023.
- 6.1.2 The Family Friendly Policies Project will continue to ensure compliance with all employment provisions.
- 6.1.3 The Family Friendly Policies Project will ensure compliance with the Council's duties under the Equality Act (2010), Employment Acts and associated regulations.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 There are no direct environmental implications arising from the recommendations of this report.

8. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Inability to deliver on the new neonatal care legislation.	Ensure the neonatal care guidance is available to employees and managers for 6 th April 2025.	L	Yes
Compliance	Ability to meet our obligations under the Equality Act (2010) as well as the Employment Acts/Regulations and legislative provision around carers leave and neonatal care leave.	Ensuring that the legislative requirements are captured within the review and implemented within relevant timescales.	L	Yes

Operational	Inability to provide support for employees or not competing with other organisations and industries could result in poor staff morale or higher turnover.	Ensuring that benchmarking and research is undertaken so that what Aberdeen City Council is offering is best-practice and progressive.	L	Yes
Financial	<p>Not complying with legislation may leave the Council open to claims.</p> <p>Many services will need to manage to redistribute work as required for the period of leave without backfill. In the instances where services will need a role fully covered during neonatal leave then People and Citizen Services will work together with them to find flexible options within the confines of our Establishment Control Board.</p>	<p>Ensuring that the legislative requirements are captured within the review and implemented within relevant timescales.</p> <p>Guidance for managers on how to accommodate leave will be available. In addition, recruitment approval governance and support remains in place.</p>	L	Yes
Reputational	Risks of not providing an inclusive environment could impact on Council reputation and employer brand.	Ensuring that benchmarking and research is undertaken so that what Aberdeen City Council is offering is best-practice and progressive.	L	Yes

Environment / Climate	No significant risks identified
------------------------------	---------------------------------

9. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2024-2025</u>	
	Impact of Report
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous Economy Stretch Outcomes	This report supports: <ul style="list-style-type: none"> 400 unemployed Aberdeen City residents supported into Fair Work by 2026
Prosperous People Stretch Outcomes	This report supports: <ul style="list-style-type: none"> Supporting vulnerable and disadvantaged people, families and groups
Regional and City Strategies	<p>This report links directly with the Council's Workforce Delivery Plan in ensuring that employees have the right support.</p> <p>This also supports the Council's Equality Outcomes and Equality, Diversity and Inclusion Action Plan.</p>

10. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	<p>Integrated Impact Assessment has been completed as part of the Family Friendly Policy and Provisions Project and can be viewed here - https://www.aberdeencity.gov.uk/media/22960.</p> <p>This will be updated in alignment with the Family Friendly policy being brought to Committee for approval.</p>
Data Protection Impact Assessment	Not required

11. APPENDICES

11.1 Neonatal Care Leave and Pay Guidance

12. BACKGROUND PAPERS

- 12.1 [Family Friendly Policies Project Update \(September 2023\) - CUS/23/244](#)
[Family Friendly Policies Project Update \(June 2024\) - CORS/24/185](#)
[Statistics about Neonatal care - Bliss.org](#)

13. REPORT AUTHOR CONTACT DETAILS

Name	Sharon Robb	Gaynor McKechnie
Title	Employee Relations Casework Lead	People and Organisational Development Advisor
Email Address	sharobb@aberdeencity.gov.uk	gamckechnie@aberdeencity.gov.uk