

# Neonatal Care Leave and Pay Guidance

## Document Control

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## SECTION 1: INTRODUCTION

### **Purpose of the Guidance**

This guidance is part of our Family Friendly suite of resources. These are designed to reflect that the demands and responsibilities vary from family to family and can be applied to differing circumstances.

Employees are more likely to feel able to discuss a wellbeing issue or a challenging life event, to ask for help when needed, and to make an effective return to work when working in a supportive and compassionate environment. When managers manage well and build trust-based relationships with their team, they help to create an environment that is open, respectful and kind.

The purpose of this guidance is to inform employees of their right to request a period of neonatal care leave (NCL) if their baby requires neonatal care. It outlines the eligibility, application process, entitlements and other key aspects of neonatal care leave and pay.

Neonatal leave is in addition to existing parental leave provisions namely; maternity, adoption, paternity, shared parental, parental and parental bereavement leave, collectively known as 'family leave' and aims to provide additional support to parents when their newborns require specialised care.

The guidance will also assist managers in effectively applying the provisions and supporting their employees.

Core to this guidance is that no employee will be adversely treated in the workplace due to them taking neonatal leave.

### **Inclusivity Statement**

This guidance is applicable to any employee considering Neonatal Care Leave. Gender, sexual orientation or other characteristics are irrelevant in the application of any of our family friendly policies.

### **Application and Scope**

This guidance applies to all Aberdeen City Council employees. This does not apply to relief, casual or agency workers.

The Neonatal Care (Leave and Pay) Act 2023, launched on 6 April 2025, introduces a dedicated entitlement to neonatal care leave and pay, ensuring employees meet the eligibility criteria. The right applies to employees where they have a baby or babies born on or after 6th April 2025.

Employees who have a baby that meets the definition of neonatal care in section 2 will be eligible to request Neonatal Care Leave (NCL).

## SECTION 2: ABOUT NEONATAL CARE LEAVE

### What is Neonatal Care?

Neonatal care means:

1. Medical care received in a hospital (which includes a maternity home, as well as clinics and outpatient departments).
2. Medical care received in any other place following discharge from hospital (provided that the care is under the direction of a consultant and includes ongoing monitoring by / visits from healthcare professionals arranged by that hospital).
3. Palliative or end of life care.

Babies may receive neonatal care for a number of reasons including when they are;

- born early (premature)
- very small and have a low birthweight
- have an infection
- have jaundice
- had a very difficult birth
- waiting for or are recovering from complex surgery.

Babies who are part of a twin or multiple pregnancy are more likely to require neonatal care after birth.

### What is Neonatal Care Leave?

Neonatal care leave (NCL) is a leave entitlement 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 allows parents to extend their time off with their baby either whilst they are receiving care within neonatal and/or with their baby at home when they are out of hospital.

NCL must be taken separately from other statutory leave. It is provided in addition to other types of family leave as mentioned in the Special Leave Policy.

## **Who is entitled to Neonatal Care Leave?**

Neonatal care leave applies to all employees of the Council, irrespective of hours of work and length of service.

The entitlement to neonatal care leave is available for employees who at the date of birth are:

- the parent of the baby, or
- an intended parent of the baby (under a surrogacy arrangement) or
- the partner of the baby's mother, and
- have or expect to have responsibility for the upbringing of the baby and
- intend to take the leave to care for the baby.

In the case of adoption, neonatal care leave is available for employees who are:

- the baby's adopter,
- the baby's overseas adopter,
- the baby's prospective adopter,
- the partner of the baby's adopter or prospective adopter at the time the baby is placed with the adopter or prospective adopter, and has or expects to have the main responsibility (apart from any responsibility of their partner) for the upbringing of the baby, or
- the partner of the baby's overseas adopter and at the time of the baby's entry into Great Britain, has or expects to have the main responsibility (apart from any responsibility of the partner) for the upbringing of the baby.

Partner is defined as a person (regardless of sex, or how they identify) who lives with the baby's mother, adopter, prospective adopter or overseas adopter, in an enduring family relationship but is not a close relative e.g. parent, grandparent, sibling, aunt, uncle, niece or nephew.

## **How many weeks Neonatal Care Leave can be taken?**

Neonatal care leave entitles eligible parents to up to a maximum of 12 weeks of leave, with 1 week leave for every 7 consecutive days that the baby receives neonatal care.

This leave is in addition to other statutory leave entitlements such as maternity, paternity, and adoption leave.

In the event that a baby is admitted to neonatal care (for a period of at least 7 consecutive days), discharged, and then readmitted to neonatal care (for a period of at least 7 consecutive days), providing that the second admittance occurs within 28 days of birth, both instances will count towards NCL.

An employee is entitled to only one allowance of neonatal care leave per pregnancy. If an employee has multiple births (e.g. twins or triplets), the entitlement to neonatal care leave is the same as if there were only one baby (a maximum of 12 weeks leave).

Both parents can take neonatal care leave simultaneously if they both meet the eligibility criteria and choose to do so.

### **Is Neonatal Care Leave paid?**

Neonatal care leave will be paid at the statutory rate 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 paid parental leave, an employee will be required to have 26 weeks service by the end of the 15<sup>th</sup> week before the expected birth.

To qualify for SNCP continuous service means, continuous service with Aberdeen City Council or a public authority as listed in the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Orders (which covers local authorities and related bodies), or any other body recognised by the Council for continuous service.

## SECTION 3: Taking Neonatal Care Leave

### When can Neonatal Care Leave be taken?

NCL must be taken within the first 68 weeks from the baby's birth, and exactly when may depend on other family leave already being taken, such as maternity, adoption, paternity.

Neonatal care leave is described within the legislation as Tier 1 or Tier 2 -

#### Tier 1 (during neonatal care)

- The tier 1 period is the period during which the baby is receiving neonatal care or during the week following the end of neonatal care.
- In this period, employees do not have to give notice of leave in writing. Contact should be made with the line manager as soon as practicably possible and contact maintained during the period. NCL taken during the tier 1 period, will often be taken in unforeseen and/or emergency circumstances.
- NCL cannot be taken for the first week that a child is in neonatal care. It can be taken as consecutive or non-consecutive weeks. Any remaining entitlement to NCL may be taken in the tier 2 period.
- Generally, NCL is only likely to be taken in the tier 1 period by the baby's father or mother's partner, since the mother will be on maternity leave as it will automatically start the day after the birth. NCL and any other family leave cannot run concurrently. It might, for example, be used by the father or partner where paternity leave has run out whilst the baby is still undergoing neonatal care. In adoption cases, it is only likely to be taken during the tier 1 period by the parent who is not taking adoption leave.

#### Tier 2 (after neonatal care ends)

- The tier 2 period is any leave taken outside the tier 1 period.
- In this period, employees must give 15 days' written notice of one week's leave, or 28 days' notice of two or more weeks' leave. Additionally, leave in this period can **only** be taken consecutively.
- Tier 2 leave is likely to be taken where an employee on maternity or adoption leave takes NCL at the end of their maternity or adoption leave. The leave can be taken immediately after maternity or adoption leave before the employee returns to work.

The statutory leave entitlement is a maximum of 12 weeks over both tiers.

### How to request Neonatal Care Leave

Employees should notify their line manager, as soon as practicably possible, of their situation and that their baby has been admitted into neonatal care. Should the baby require neonatal care for at least 7 consecutive days the employee will be eligible to request NCL.

In all cases the employee must tell their line manager:



- the date of the baby's birth/placement/entry to the UK
- the start date of neonatal care
- the end date of neonatal care (if this is known at the time)
- the date they want the period of NCL to begin
- how much leave they want to take.

The line manager will record the date the baby was admitted into neonatal care (Appendix A – Notification of Neonatal Care Leave form) and look to discuss with the employee their leave options. It is important for the line manager to be sensitive to the situation recognising that it may be difficult for the employee to fully engage in discussions at this time on their leave options.

The employee should notify the line manager once the baby has been discharged from neonatal care. The line manager will also record the date that the baby was discharged on Appendix A – Notification of Neonatal Care Leave.

The Council reserves the right to request evidence of neonatal care to process NCL.

If an employee is taking tier 1 leave the manager should complete the Notification of Neonatal Care Leave (Appendix A) and submit to [AskHR@aberdeencity.gov.uk](mailto:AskHR@aberdeencity.gov.uk) to ensure no overpayments are made. They must continue to notify AskHR if the dates are consecutive during the tier 1 period.

If the employee is taking tier 2 leave following a period of family leave, they should complete the form and submit to their line manager who will approve the leave and send to AskHR. If an employee is not taking the full 52 weeks maternity leave entitlement, they should also complete the Early Return to Work form as this will end the maternity leave and allow neonatal care leave to commence. This can be found in the Maternity Guidance on People Anytime.

## **Contact during NCL**

It is recognised that it will be a difficult time for a parent when their baby is admitted to neonatal care and that their time and energy will be focused on their baby.

Line managers must be sensitive to the delicate nature of the situation and ensure that they provide appropriate support and maintain reasonable contact with the employee. This contact should be handled with the utmost sensitivity, acknowledging the emotional and physical demands placed on the employee during this time. The primary purpose of the contact is to provide support, and discuss any arrangements or updates regarding their leave.

The line manager should agree with the employee on the preferred method and frequency of contact before NCL begins, and which will be influenced by when the leave is taken in relation to the baby receiving neonatal care. This contact may include regular check ins via phone calls, emails or other agreed-upon communication channels. The aim is to ensure the employee remains connected to the workplace and supported accordingly.

## **Returning to work after NCL**

The Council understands that returning to work can be a difficult time for parents, particularly those who have experienced a traumatic and upsetting time seeing their baby receiving neonatal care.

Before returning to work after taking neonatal care leave (NCL), the employee should have a discussion with their line manager to outline any ongoing needs or adjustments required to facilitate a smooth transition back to the workplace. Babies can have ongoing medical needs requiring regular hospital appointments and check-ups when parents return to work. Support may include arranging for flexible working hours or additional time off for medical appointments for the baby. The Council will support time off to allow parents to attend these appointments in accordance with our Carers Leave Guidance.

## **Impact on Annual Leave**

Employees will continue to accrue annual leave and public holidays when they are on neonatal care leave. When they return to work after their neonatal care leave, they will be able to take their accrued annual leave and public holiday entitlement. When they take this leave is subject to the operational requirements of the Service and before they return to work they should discuss this with their Line Manager.

## **Special Circumstances**

If a baby sadly dies following neonatal care (for at least 7 consecutive days within the first 28 days after birth), the employee would be eligible to take NCL within 68 weeks.

Further support on this can be found in our Parental Bereavement Leave and Pay Guidance which can be found on People Anytime.

## **Other support options**

Employees can seek support from their line manager and/or AskHR about matters relating to this guidance.

Other family leave provisions may be helpful to employees alongside NCL and existing leave such as maternity / adoption / paternity – full details of the family leave provisions available can be found on People Anytime including the Special Leave Policy.

Depending on specific circumstances an employee may also wish to explore flexible working options. Further information on the range of flexible working options can be found in the Flexible Working Policy and Guidance.

The [Employee Assistance Programme](#) (EAP) is available to employees, and immediate family members, to support and provide advice during a difficult time, further information can be found on People Anytime or the line manager can provide contact details.

Employees may be able to claim for funds via the [Scottish Government Young Patients Family Fund](#) which is designed to provide a financial contribution towards the cost of having a baby (under 18 years) in hospital which includes neonatal care. Expenses can be claimed for transport, meals, parking and accommodation.

Bliss is a charity for babies born premature or sick, they offer a wide range of free service for the families of premature or sick babies. Further information can be found here - [www.bliss.org.uk](http://www.bliss.org.uk)

### **NOTIFICATION OF NEONATAL CARE LEAVE**

Please read the **Neonatal Care Leave Guidance** before completing this form. Managers can complete this form on behalf of their employees.

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

Leave types -

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

<b>Employee Details</b>			
Name			
Employee number			
Job Title			
Line Manager			
Please state your relationship to the child			
Date of child's birth / placement / entry to the UK			
<b>Neonatal Care details</b>			
Date of admission to neonatal care			
Date of discharge from neonatal care (leave blank if unknown)			
<b>Notification of Neonatal Care Leave</b>			
Is this Tier 1 leave?		Is this Tier 2 leave?	
Date to and from neonatal care leave is to commence			
Number of weeks requested			

**Note** – Maternity / adoption / paternity leave cannot be paused or restarted once commenced, the provision of neonatal care leave must be taken at the end of the leave period.

If returning from maternity leave early (i.e. within 52 weeks), the employee must also complete the Early Return to Work Notification form found in the Maternity Guidance.

Once completed, the Line Manager should send this form to [AskHR@aberdeencity.gov.uk](mailto:AskHR@aberdeencity.gov.uk).

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**HR SERVICE CENTRE USE**

Entitled to SNCP	
Information processed in CoreHR	
Confirmation sent to Line Manager	