NEONATAL LEAVE AND PAY POLICY

Version 1: September 2025

Date approved by Trustees of The Harbour Schools Partnership	**September 2025**
Review period	**3-yearly**

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1 Introduction

1.1 At THSP, we recognise the challenges faced by employees whose newborns require neonatal care. This policy outlines the provisions for neonatal care leave and pay to support our employees during such critical times.

1.2 This procedure does not form part of any employee's contract of employment and it may be amended at any time.

1.1 Scope of the policy

This policy applies exclusively to employees of the Trust. It does not apply to workers, agency workers, contractors, consultants, or self-employed individuals engaged with the Trust.

2 Definition of neonatal care leave

3.1 Neonatal care leave is intended to support new parents of infants who require neonatal medical attention which starts within the first 28 days of birth. Under this policy, neonatal care encompasses:

3.1.1 Medical care provided to your child in a hospital setting.

3.1.2 Medical care provided to your child in any other location including:

(a) Continued medical care post-hospital discharge;

(b) Care provided under a consultant's direction; and

(c) Care which involves ongoing monitoring from healthcare professionals under the direction of the hospital in which your child was inpatient.

3.1.3 End of life or palliative care.

3 How neonatal care leave can be taken

Neonatal care leave cannot be taken during the waiting period which is the first week of neonatal care. In many cases, you may already be on maternity, paternity, adoption, or shared parental leave during the waiting period. If not, you should talk to your Line Manager if you need time off, which may be available as paid holiday or unpaid time off for dependents.

4.1 There is the option to take neonatal care leave in two different tiers:

4.1.1 The "**Tier 1 period**" commences when your child begins receiving neonatal care and ends on the seventh day following your child's discharge. If your neonatal care leave is taken during the tier 1 period, it can be taken in one continuous block or in a number of blocks with durations of no less than 1 week at a time.

4.1.2 The "**Tier 2 period**" is any remaining time during the 68-week period following your child's birth which does not fall into the tier 1 period. Any neonatal care leave taken in the tier 2 period must be taken in one continuous block.

4.2 You do not need to have taken leave under Tier 1 to be eligible for Tier 2 leave.

4 Notification

5.1 The notice requirements differ depending on whether the period is classified as Tier 1 or Tier 2.

5.1.1 Tier 1

(a) First and foremost, we recognise that this will be a difficult time and so we ask that effort be made to follow these timelines, but understand that it may not always be reasonably practical to do so. However, for each week of leave that you wish to take in tier 1, please notify the Headteacher and the People Team (HR@thsp.org.uk) by email, preferably in advance of the week you intend to take the leave.

(b) You will also be required to complete the *Notice of entitlement and intention to take neonatal care leave form* which is available from the People Team and in Appendix 3. There is no expectation to provide this form in order to receive neonatal care leave but we do request that it is sent to us within 28 days of the first day of your neonatal care leave or as soon as reasonably practicable.

5.1.2 Tier 2

(a) If you plan to, or are required to, take neonatal care leave during the tier 2 period, you will need to give notice of your intent by completing the *Notice of entitlement and intention to take neonatal care leave form.*

(b) For a single week of neonatal care leave, where possible the form should be submitted at least 15 days before the first date that you have chosen for your leave to start, or as soon as reasonably practicable where this timeline is not possible.

(c) If you are taking two or more weeks of tier 2 leave, your form should be submitted at least 28 days before the first date that you have chosen for your leave to start, or as soon as reasonably practicable where this timeline is not possible.

5.1.3 When giving notice of your intention to take leave, you must specify:

(a) Your name;

(b) Your child's date of birth and, in adoption cases, the date of placement or the date the child entered Great Britain;

(c) The date or dates your child started to receive neonatal care;

(d) If your child is no longer receiving neonatal care, the date such care ended;

(e) The date on which you choose the period of leave to begin;

(f) The number of weeks of leave the notice is being given for;

(g) That you are taking the leave to care for the child; and

(h) If it is the first notice of NCL in respect of that child, confirmation that the employee meets the eligibility requirements as to family relationship with the child.

5.1.4 Where the neonatal care is ongoing, you must notify us of the date the care ends, as soon as is reasonably practicable. If your child starts to receive neonatal care again, you must inform us of the fate of start of care and the date it ends, as soon as reasonably practicable in each case.

5 Eligibility for neonatal care leave (NCL)

6.1 Regardless of length of service, employees may be eligible for neonatal care leave if:

6.1.1 You are the parent of, and have or expect to have responsibility for the upbringing of, the child; or

6.1.2 You are the intended parent under a surrogacy arrangement and have or expect to have responsibility for the upbringing of, the child;

6.1.3 You are the child's adopter or prospective adopter via a UK adoption agency or an adoption from overseas;

6.1.4 You are the partner of any of the above at the date of birth or placement and will share primary responsibility for the upbringing of the child with the above.

6.2 Under this policy, a partner is defined as a person of any sex who lives with the mother or prospective adopter in an enduring family relationship but is not their full or half-blood relative.

6.3 Additionally, employees must also meet the following conditions in order to be eligible under this policy:

6.3.1 The child was born on or after 6 April 2025 and received neonatal care within 28 days of birth; and

6.3.2 Neonatal care lasted at least seven continuous days (counted from the first full day after the neonatal care started);

6.3.3 You are taking leave to care for the child; and

6.3.4 Compliance with notice and declaration requirements outlined in this policy.

6 Entitlement to neonatal care leave

7.1 Eligible employees may take one week of neonatal care leave for each full, uninterrupted week the child is in neonatal care, up to a maximum of 12 weeks. Neonatal care leave is available once a child has received neonatal care for an uninterrupted period of seven days, not counting the day on which the neonatal care starts. Leave must be taken in minimum blocks of one week. The maximum number of weeks remains the same, even if multiple children from the same pregnancy require neonatal care (e.g., twins).

7.2 In adoption cases, neonatal care leave will only be available for each uninterrupted week that the child spends in neonatal care, after the date the child was placed with you or, for adoption from overseas, after the date the child entered the UK.

7.3 Neonatal care leave must be taken within 68 weeks of the child's birth.

7.4 The right to neonatal care leave is in addition to any other statutory leave that you may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement, or shared parental leave (see paragraph 12).

7 Starting your leave

8.1 Your leave will commence on the date that you have specified in your notice, provided that it complies with the notice requirements set out in paragraph 5.

8.2 If you are at work on the same day that you give your notice, your notice will start on the following day.

8.3 If notice requirements were not able to be met, your neonatal care leave will begin on a mutually agreed day.

8 Pay during neonatal care leave

9.1 Statutory neonatal care pay

9.1.1 Eligible employees may receive statutory neonatal care pay (SNCP) as the lower of the rate currently set by the Government for the relevant tax year or 90% of your average weekly earnings (whichever is lower), subject to meeting the following specific conditions:

a) Entitlement to take neonatal care leave;

b) 26 weeks' of continuous employment at the end of the relevant week of pregnancy or the week in which you are notified in writing by an adoption agency of having been matched with a child;

c) Remaining in continuous employment from the end of the relevant week (or from the child's birth if they were born before the relevant week);

d) Your average weekly earnings exceed the lower earnings limit for national insurance contributions; and

e) You have completed the required form to provide notice of an entitlement regarding neonatal care leave.

9.1.2 Neonatal care pay is treated as earnings and therefore is subject to PAYE and national insurance deductions.

9 Changing your leave plans

If your intentions change and you need to cancel a period of neonatal care leave which you have already notified the School/Trust about, you must inform your line manager and the People Team in writing.

10 Requesting support

11.1 Employees struggling due to their child's neonatal care are encouraged to discuss their situation with their line manager or, if necessary, the Headteacher.

11.2 We appreciate that these discussions will be difficult but we encourage openness to ensure that the necessary support can be offered. Discussions will be handled with sensitivity and confidentiality.

11 Other statutory leave

12.1 The entitlement to neonatal care leave is in addition to any other statutory leave that you may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement, and shared parental leave.

12.2 If you have already commenced a period of statutory leave and then subsequently become eligible for neonatal care leave, or if you become eligible on the day another period of statutory leave starts, you can take your neonatal care leave following the completion of your other period of statutory leave, provided that the neonatal care leave is taken within 68 weeks of the child's birth date.

12.3 If you are within the tier 1 period of your neonatal care leave but need to begin another type of statutory leave, your neonatal care leave will pause temporarily immediately before the other statutory leave begins. You can then resume your neonatal care leave in one of two ways:

12.3.1 If you are still within tier 1 period, it will resume immediately following the end of the other statutory leave period; or

12.3.2 If you have transitioned into the tier 2 period, the remaining balance will be added to the end of the tier 2 period.

12.4 Tier 2 leave cannot overlap with any other type of statutory leave if you are aware of this overlap at the time of giving notice.

12 Changes and bereavement

13.1 Employees must inform the School/Trust of any changes in their child's care status. This includes the date that the neonatal care ends. If, after informing the School/Trust about the end of the care period, care resumes, you must keep your line manager and the People Team informed of the new start and end dates.

13.2 Bereaved employees may still take accrued neonatal care leave and may be eligible for parental bereavement leave under our leave of absence policy. If you have suffered a bereavement, please contact your line manager and the People Team so we can discuss other support that we may be able to offer you.

13 Employee rights and keeping in touch during leave

14.1 During neonatal care leave, terms and conditions of your contract, with the exception of normal pay, will continue. Your pay will be replaced with neonatal care pay depending on eligibility. You will continue to accrue holiday entitlement where applicable and receive pension contributions based on their normal pay if receiving paid leave. Employee pension contributions will be based on actual pay that you receive during your period of neonatal care leave.

14.2 Reasonable contact may be maintained to discuss leave arrangements and updates on developments at work.

14 Returning to work

Employees are entitled to return to the same job on the same terms and conditions after isolated neonatal care leave. If you return to work after any consecutive periods of statutory leave which exceed 26 weeks in total, or if you took NCL following a period of ordinary parental leave of at least 4 weeks, a suitable alternative position on no less favourable terms may be offered if returning to the same job is not feasible.

15 Data protection

16.1 When managing an employee's leave and pay under this policy, the Trust processes personal data collected in accordance with its Data Protection Policy. Data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the leave and pay. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time.

16.2 Records will be kept in accordance with our Staff Privacy Notice, our Data Retention Policy and in line with the requirements of Data Protection Legislation.

16 Review of policy

This policy is reviewed on a 3-yearly basis by THSP. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix 1: Examples

Example A:

Sarah started her statutory maternity leave on 1st March following the birth of her child. Her baby required neonatal care for an extended period after birth, making her eligible for neonatal care leave (**NCL**). Because she was already on maternity leave when she became eligible for NCL, she could not take NCL at the same time. However, Sarah can take her neonatal care leave immediately after her maternity leave ends, as long as this falls within the 68-week period from her child's birth date.

Example B:

David's child was born on Monday 5 May, and he started his statutory paternity leave on the same day, intending to take the full two weeks.

On Thursday 8 May (the third day of his paternity leave), his baby was admitted to the neonatal unit for specialist care. Under neonatal care leave (**NCL**) eligibility rules, NCL can only begin once the baby has been in neonatal care for seven consecutive full days, counted from the first full day after neonatal care started.

By Thursday 15 May, the baby had been in neonatal care for seven full days, making David eligible for Tier 1 neonatal care leave. However, since NCL can tag along to the end of any current period of statutory leave, David will complete his two-week paternity leave first, ending on Sunday 18 May.

From Monday 19 May, David will begin his neonatal care leave in full, ensuring he has additional time off to support his child while they remain in neonatal care.

Appendix 2: Examples

Examples relating to a mother or primary carer – SMP has been used in the chart below, but examples could also relate to adoption leave.

	Week 1 (birth)	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14-52	Week 53	Week 54	Week 55	Week 56+
Neonatal Care	✓	✓	✓															
Example 1	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	Tier 2	Tier 2	Tier 2	
Example 2	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	SMP	Bereavement	Tier 2	Tier 2	Tier 2
Example 3	SMP	SMP	SMP	SMP	SMP	SMP	Tier 2	Tier 2	Tier 2	SHPP	SHPP	SHPP	Work	Work	Work	Work	Work	Work

In all 3 examples, the child has been admitted into neonatal care leave immediately following their birth and spend 3 weeks there before being discharged.

Example 1: The mother is on maternity leave for the full 52 weeks. At the end of her maternity leave, she commences 3 weeks of Tier 2 Neonatal care pay and, if eligible, receives statutory or enhanced pay for that period.

Example 2: In this example, the child very sadly passed away at the end of the third week. In this example, the parent finishes their maternity or adoption leave, then goes onto a period of bereavement leave before commencing 3 weeks of NCL at Tier 2. The leaves occur in this order because the time available for bereavement leave is less than that for NCL, which can be taken up to 68 weeks following the child's birth.

Example 3: The parent has planned to take 6 weeks of maternity or adoption leave, before going back to work for 3 weeks, then taking 3 weeks of Shared Parental Leave, and then returning to work. Instead, they take 3 weeks of NCL, then 3 weeks of SHPP, then return to work.

Secondary Parent Examples

	Week 1 (birth)	Week 2	Week 3	Week 4	Week 5	Week 6-9	Week 10	Week 11
Neonatal Care	✓	✓	✓	✓	✓			
Example 1	SPP	SPP	Tier 1	Work	Work	Work	Tier 2	Tier 2
Example 2	SPP	SPP	Tier 1	Tier 1	Tier 1			
Example 3	Tier 1	Tier 1	Tier 1	SPP	SPP			
Example 4	Tier 1	Tier 1	SPP	SPP	Tier 1			
Example 5	SPP	SPP	Tier 1	Bereavement	Tier 1			

Appendix 3: Notice of entitlement and intention to take neonatal care leave form

Please complete this form to notify us that you would like to take a period of neonatal care leave and to confirm your eligibility for the leave and pay, where applicable. Please see our Neonatal Care Leave and Pay Policy for more information.

Please return this form to the People Team (hr@thsp.org.uk) via email in line with the policy guidelines depending on whether your request is for Tier 1 or Tier 2 leave, or as soon as reasonably practicable (please refer to the Neonatal Care Leave and Pay Policy for guidance). If you need any help completing this form, please speak to your Line Manager or the People Team.

Name	
Job title	

I hereby give notice of my intention and entitlement to take neonatal care leave as per the Neonatal Care Leave and Pay Policy, as well as the required declarations.

Information to be provided by employee:

	Child's date of birth:	
	For adoption cases only: date of child's placement or date of arrival in Great Britain if adopting from overseas:	
	My child started receiving neonatal care on:	
	My child's neonatal care has continued without interruption Y/N: **If no, please include dates of discharge and dates of any subsequent period(s) of neonatal care.**	
	My child's neonatal care ended on (if applicable):	
	Total complete weeks of neonatal care (if known):	

Please complete to confirm dates of leave and pay (where applicable)	**Please indicate if taking Tier 1 or Tier 2:**	
	I choose to start and end my neonatal care leave on the following dates (leave in tier 1 may be taken in a number of continuous blocks of a minimum of one week at a time and leave in tier 2 must be taken in one continuous block) please see guidance below:	
	Number of weeks' leave to be taken:	

Declaration to be completed by employee:

I declare that I satisfy or will satisfy the following eligibility requirements to take neonatal care leave:		
Please tick as appropriate:	**I am the child's parent and have or expect to have responsibility for the child's upbringing OR**	
	I am the child's intended parent under a surrogacy arrangement and have or expect to have responsibility for the child's upbringing OR	
	I am the child's adopter or prospective adopter via a UK adoption agency or an adoption from overseas OR	
	I am the partner of one of the above, living at the same address, and will share primary responsibility for the upbringing of the child with the above.	
	AND	
	I [am taking/have taken] the leave to care for the child	

I declare that I satisfy or will satisfy the following eligibility requirements for neonatal care pay (if applicable) (please tick as appropriate):	
I am entitled to take neonatal care leave	
I have 26 weeks' of continuous employment at the end of the relevant week of pregnancy or the week in which I was notified in writing by an adoption agency of having been matched with a child	
I remained in continuous employment from the end of the relevant week (or from the child's birth if they were born before the relevant week);	
My average weekly earnings exceed the lower earnings limit for national insurance contributions	
The information that I have provided is accurate	
I will immediately inform the trust of any changes affecting my entitlement to neonatal care leave and pay.	
Signed	**Date:**

Appendix 4: Policy History

Version	Summary of Change	ReviewDate	Lead Author
1	Implementation of Policy to reflect legislation requirements April 2025	Sep 28	Sharon Samuel, Senior People Partner