

Model Policy for Oxfordshire Schools

# Neonatal Care Leave and Pay Policy

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### **Policy accessibility**

If you (or anyone you know) needs this policy in an alternative format i.e., Easy Read, large text, audio, Braille, or a community language, please contact your line manager to discuss your requirements or call the council's customer services team on 01865 792422 and we will work with you to meet your needs.

If you would like to view this document using accessibility software **Open Dyslexic Fonts** or [ColorVeil](#), please click the names/links to take you to further guidance.

***If you are impacted by any of the issues set out in this policy, you can contact our [employee assistance programme](#) or [access support services](#) detailed below.***

## **Purpose**

Thousands of premature or unwell babies are born in the UK each year, requiring neonatal care. At [SCHOOL], we recognise the significant impact these circumstances can have on our colleagues and their families, both financially and emotionally.

This policy outlines our approach to supporting our employees through these difficult circumstances, their entitlements to pay and leave during this time and the link between this policy and other types of family leave.

## **Scope**

This policy applies to all employees within the organisation, apart from agency workers, and has been developed in consultation with recognised Trade Unions and is designed to ensure employees are treated in a fair and consistent manner.

## **Wellbeing and support**

If you are impacted by any of the circumstances discussed in this policy, we encourage you to reach out to your line manager or the HR team to ensure you have access to suitable support and entitlements. For further support you can:

- access the [Employee Assistance Programme \(EAP\)](#);
- seek support from a specialised service; [Bliss](#), [London Neonatal Network](#), [Support for Sick Newborns and their Parents \(SSNAP\)](#)

- your union can provide advice and support, details on how to contact them can be found on the [Hive](#).

## 1. Definitions

**Neonatal care** is a specific type of care which hospitals and health care providers offer to babies born prematurely. This care is also provided to children born with an illness. Neonatal care is any care supervised by a consultant and/or healthcare professional(s), it doesn't necessarily just mean hospital stays. It can include periods outside of hospital, providing that the care is continuous.

A **neonate** is defined as a baby who is 28 days old or less.

A **premature baby** is a child born before 37 weeks' gestation. It could also be a baby who is born with a low birthweight.

A **neonatal parent** is defined as a primary caregiver for the baby and a primary carer's live-in partner.

## 2. Eligibility

Neonatal parents will be eligible for neonatal leave and pay, if the admission to neonatal care lasts for a continuous period of seven days or more. Leave must be taken within 68 weeks of the child's birth and can be added to the end of other forms of family leave (see section 5)

## 3. Leave and pay

### 3.1 Statutory leave entitlement

Employees are entitled to 12 weeks of statutory **unpaid neonatal leave** from day one of employment. The weeks can be taken continuously or in separate blocks of one week. There is no statutory **pay** entitlement until an employee has 26 weeks continuous service.

Employees accrue one week's neonatal leave for every week the baby is in neonatal care. The leave entitlement is split into two tiers:

### **Tier one leave**

This leave is taken during the time the child is in neonatal care and up to seven days after they are discharged. This can be taken continuously or discontinuously in blocks of one week.

### **Tier two leave**

This is any leave remaining after the end of the Tier 1 period, up to 68 weeks after the birth of the child. This leave must be taken continuously, usually at the end of another type of family leave.

Examples of this in practice can be found in [appendix 1](#).

## **3.2 Occupational neonatal pay**

The organisation offers an enhanced rate of Neonatal Pay for employees with over 26 weeks service on the date of the baby's birth. This includes either:

- 90% of the employee's average weekly earnings for the first six weeks,
- 50% of their average weekly earnings for the following six weeks,

**OR**

£194.32 per week,

whichever is greater.

## **4. Notice and evidence requirement**

In many cases, the baby's admission to neonatal care is a sudden, unexpected event which parents are unable to plan for, this means very short, informal, notice will be accepted for Neonatal Leave.

An IBC enquiry should be submitted to inform IBC of the employee's neonatal leave, further information can be found on the [intranet guidance](#).

## **5. Impact on other types of family leave**

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

### **For maternity and adoption leave**

If a parent is due to take maternity or adoption leave, they will automatically start this leave on the day of the baby's birth (or sooner). If the baby is then admitted into neonatal care, the parent will accrue neonatal leave and can take any accrued neonatal leave once

the maternity or adoption leave ends. In these circumstances, the leave must be taken in one continuous block.

## **For paternity and shared parental leave**

If the baby is admitted to neonatal care from birth, a parent may take neonatal leave prior to commencing paternity or shared parental leave. They can begin their paternity or shared parental leave at any point during the period, even if the baby remains in neonatal care, and take any remaining accrued neonatal leave once the paternity or shared parental leave ends.

More information on taking other types of family leave can be found on the intranet.

## **6. In the event of bereavement**

Employees who have accrued entitlement to neonatal care leave can still take the neonatal care leave that they have accrued if their child passes away.

Employees may also be entitled to parental bereavement leave in these circumstances; more information can be found in the parental bereavement leave policy.

More information on support which may be available can be found in the [wellbeing and support](#) section of this policy.

## **7. Impact on employment**

### **7.1. Employment rights**

Employees taking neonatal leave have the right to return to the job in which they were employed, under their original contract of employment and on terms and conditions no less favourable than those which would have applied, had they not been absent.

Employees on Neonatal Leave have additional protections from redundancy under the Redundancy (Pregnancy and Family Leave) Act 2023.

### **7.2. Annual leave**

Employees will continue to accrue annual leave whilst they are on Neonatal Leave and should plan to take this by the end of the leave year, where possible. If this is not possible,

employees can carry forward any remaining annual leave entitlement to the next leave year.

### **7.3 Bank holidays**

Any bank holidays which fall on an employee's normal working day during neonatal leave, can be taken as paid leave, in a single block, at the end of the leave period.

This block may be at the end of another type of family leave if an employee takes paternity, maternity, adoption or shared parental leave immediately after Neonatal Leave.

### **7.4 Pensions**

Pension contributions continue during paid periods of neonatal leave. For members of the Local Government Pension Scheme who take a period of unpaid leave, pension contributions are optional.

## **8. Returning to work**

Employees on Neonatal Leave and their line manager will agree on the type, and frequency, of communication through the duration of the leave.

We understand that neonatal care is often unpredictable, so short notice can be given for an employee's return to work. Line managers will complete a return to work and stress risk assessment to inform and implement any support an employee may need on their return.

If additional family leave is taken after neonatal leave, the notice periods in the relevant policy apply.

## Version History and changes to policy

Version	Date	Change
1.0	April 2025	New policy in line with legislation
1.1	April 2026	Updated in line with legislation change

This policy is not contractual, and it may be varied by the council from time to time.

## Equality, diversity, and inclusion

This policy has been subject to an Equality Impact Assessment (EIA) in accordance with our Equality, Diversity and Inclusion Framework '[Including Everyone](#)' and is not considered to unduly impact upon any protected group. We will regularly monitor and review the impact of this policy. For any queries, please contact the HR Policy Manager in the first instance or email [equalities@oxfordshire.gov.uk](mailto:equalities@oxfordshire.gov.uk).

## Appendix 1 – practical examples of taking neonatal leave

### Example one

An employee is pregnant and entitled to maternity leave. The maternity leave was due to start on 5 February. The employee goes into labour early and the baby is born on 1 February and is admitted to neonatal care. The baby stays in neonatal care until 2 March.

- In line with the **maternity scheme**, the maternity leave starts the day after the baby was born (2 February).
- The employee completes an IBC enquiry on or after the 3 March to inform the organisation that they are entitled to neonatal leave.
- The employee accrues one week of neonatal leave for each week the baby was in neonatal care. A week is defined as seven full days, so the count starts from the 2 February. The baby was in neonatal care for four full weeks.
- The employee's maternity leave ends on 2 February the following year. They immediately go onto neonatal leave until 2 March that year.
- The employee can then take any accrued bank holidays or annual leave before returning to work.

### Example two

An employee is due to go on to paternity leave from 5 – 12 February and then to take another week from 21 – 28 February. The baby is born on 5 February and admitted to neonatal care. The baby stays in neonatal care until 7 March.

- The employee takes the first week of paternity leave as planned between 5 – 12 February

- The employee completed the IBC enquiry on 12 February to inform the organisation that they are entitled to neonatal leave.
- The employee takes neonatal leave from 13 – 20 of February.
- The employee takes the second week of paternity leave as planned from 21 – 28 February.
- The employee returns to work as planned.
- The baby was in neonatal care for a total of four full weeks, the employee only took one week of neonatal leave during this period.
- The employee takes the remaining three weeks entitlement at a later date, no later than 28 May the following year (68 weeks after the birth of the child).