

People Directorate

Neonatal Care Leave Policy



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People Directorate

Neonatal Care Leave Policy



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Contents

Why do we have this Policy	3
Who does this policy apply to?	3
Eligibility for neonatal care leave	3
Eligibility for neonatal care pay	4
Neonatal leave entitlements	4
Impact on maternity leave and other types of family leave	4
Notifying the trust of the intention to take neonatal care	5
Neonatal care leave payment	6
Employee rights and protection during neonatal care leave	6
Responsibilities of the employee	6
Responsibilities of the Trust	6
Equality Statement and Assessment	7
Related Policies	7
Appendix 1: FAQs	8
Appendix 2: Employee notification of intention to take neonatal care leave	10
Appendix 3: Employer confirmation of intention to take neonatal care leave	11

People Directorate

Neonatal Care Leave Policy



Why do we have this policy?

The Thinking Schools Academy Trust recognises its legal obligations with regards to neonatal entitlements.

This policy and procedure explain:

- The entitlement to neonatal care leave and pay for eligible employees.
- The requirements and procedures employees will need to comply with in order to obtain neonatal benefits.

Who does this policy apply to?

This policy applies to all individuals and entities who engage with or are impacted by the Thinking Schools Academy Trust operations. This includes, but is not limited to:

- Employees, contractors, and volunteers working for or on behalf of the organization.
- Business partners, vendors, and suppliers interacting with the organization.
- Clients, customers, or users of the organization's services or products.
- Any other stakeholders or parties whose actions may directly or indirectly influence or be influenced by this policy.

Neonatal rights apply equally to full and part-time employees regardless of how many hours worked, provided qualifying conditions are satisfied. Certain entitlements may be dependent on length of service.

Eligibility for neonatal care leave

All employees will be eligible to apply for neonatal leave from the first day of employment. Agency workers, casual workers, self-employed contractors, are not eligible under this policy.

To qualify for neonatal care leave, the baby would have to have spent at least 7 consecutive days in a neonatal care unit within the first 28 days of birth. This means that parents of a child who is admitted for neonatal care at e.g. 35 days old will not qualify for neonatal care leave.

If you are the mother of the child and receiving maternity leave and pay this will continue until the end of the maternity leave period. Any entitlement to neonatal care leave will commence at the end of the maternity leave period.

If you are not the mother of the child you will be eligible to apply for neonatal leave if you are:

- the father
- the husband or partner of the mother (or adopter) - this includes same-sex partners
- the child's adopter
- the intended parent (if you're having a baby through a surrogacy arrangement and eligible to apply for a parental order)

Eligibility for neonatal care pay

Employees will be eligible for Statutory Neonatal Care Pay if they have 26 weeks continuous service at the date the child is first admitted to the neonatal unit.

Where the mother of the child does not qualify for maternity pay, she will still be entitled to apply for neonatal leave and pay.

Neonatal leave and entitlements

This policy provides all new mothers and fathers/ non-birthing parents with the right to leave from work if their baby receives neonatal care for at least 7 continuous days before the baby reaches 28 days from birth.

The length of leave depends upon how long the baby receives neonatal care. An eligible employee is entitled to at least one week's leave and there is a maximum entitlement of 12 weeks leave and pay.

Employees will be entitled to a period of leave equivalent to the number of weeks the baby spends in a neonatal unit, provided it has been for at least seven consecutive days. Leave will be granted based upon full weeks only (i.e. each period of 7 consecutive days).

The leave must be taken within 68 weeks of the baby being admitted to the neo-natal unit.

If you are the mother of the child, any neonatal leave must be taken immediately at the end of maternity leave.

Fathers of the baby and non-birthing parents will receive the same entitlements but will be able to take the leave at any stage up to 68 weeks from date the child's birth.

All leave must be taken in a single block of working days.

Impact on maternity leave and other types of family leave

This policy does not affect the right to maternity leave or the requirements for maternity leave.

Maternity leave cannot be paused or restarted, however the provision of neonatal leave and pay will allow the mother to have additional leave at the end of her maternity leave period. Neonatal leave for the mother of the child cannot be taken during a period of maternity leave and must be taken immediately the maternity leave ends.

The interaction with other types of statutory parental leave (shared parental leave and paternity/ maternity support leave) with neonatal leave will be more flexible as these can be used at different times. For example, paternity leave can be used at any time between the birth of the baby and 56 days from birth (or due date in the case of premature birth). Neonatal leave can be used at any time up to 68 weeks following admittance to the neonatal care unit.

People Directorate

Neonatal Care Leave Policy



The policy will not impact on the mother's rights to maternity leave and pay or on the right to take paternity/maternity support leave or any other statutory leave.

Notifying the trust of the intention to neonatal care leave

The Trust recognises the sensitivities of a child receiving neonatal care however it is important that the employee provides notification of their intention to take neonatal leave as soon as possible.

There are different notice requirements depending on when leave will be taken:

The 'tier one period' is the period beginning with the day the baby starts receiving neonatal care and ending on the seventh day after the care stops. Employees taking leave during this time will be required to notify their employer before they are due to start work on the first day they are taking leave. This reflects the fact that tier one period leave is taken while the baby is receiving neonatal care and also acknowledges that the employee may not have had much notice of the baby needing that care.

Tier one notice required:

1. Before they are due to start work on the first day of leave.
2. Notice of each week needs to be given to the employer

The 'tier two period' is defined as any other period within the total period that neonatal care leave can be taken that is not a tier one period. The tier two period is any time during the 68-week period that is not a period where the baby is receiving neonatal care or during the week after it ends.

Tier two notice:

1. For a single week of neonatal leave, no less than 15 days' notice before the first day of leave.
2. For two or more consecutive weeks of neonatal care leave, no less than 28 days' notice before the first day of leave.

Employees should complete the form attached at Appendix 2 and submit to their Head Teacher. The Head Teacher will confirm the entitlement by writing to the employee within two weeks of the request by way of Appendix 3.

Where the father/partner/non-birthing parent wishes to take neonatal leave immediately following paternity leave the Head Teacher will confirm this immediately at the time of request and follow up in writing to the employee.

A Head Teacher cannot refuse a request for neonatal leave provided the employee meets the eligibility criterion and provides the requisite period of notice.

Neonatal care leave payment

Employees will be entitled to Statutory Neonatal Care Pay whilst they are on neonatal care leave if they:

- have a parental relationship with a child who is receiving, or has received, neonatal care

People Directorate

Neonatal Care Leave Policy



- have 26 weeks' continuous service by the week immediately preceding the one in which neonatal care starts
- earn at least the lower earnings limit on average calculated over the period of eight weeks ending with the week before neonatal care starts
- are still in employment in the week before neonatal care starts.

The rate of pay will match that of the other family leave types, like maternity leave.

Statutory Neonatal Care Pay is paid for each week of neonatal care leave the employee takes up to a maximum of 12 weeks.

If you are the mother of the child on maternity leave and do not intend to return to work following the maternity leave you will not be entitled to any neonatal pay.

Employee rights and protections during neonatal care leave

Employees who qualify for neonatal care leave will be protected from suffering a detriment arising from their taking or requesting to take this type of leave.

Whilst on leave, they will have a right to, and continue to be bound by, the usual contractual entitlements they would normally enjoy with the one exception of remuneration.

Employees taking neonatal care leave will also have the right to return to work.

Responsibilities of the employee

- To comply with the notification arrangements and timescales set out within this document.

Responsibilities of the trust

- To comply with statutory and contractual provisions relating to neonatal leave and pay.
- Not to disadvantage an employee for exercising their maternity rights.

Equality Statement and Assessment

We are committed to being an inclusive employer enabling all staff to feel a sense of belonging.

We commit to ensuring our policies are inclusive by nature, are of benefit, accessible and understood by all staff. As a minimum we ensure our policies and practices comply with the Equality Act 2010 but we are committed to go beyond our minimum requirement of equality legislation.

Our policies aim to reduce and remove inequalities and barriers and create opportunities to maximise positive impacts on our staff, fostering greater social cohesion and greater participation in public life.

Through our actions we recognise, appreciate and value difference treating everyone fairly and seeking to embed a culture of equality, diversity and inclusion across our Trust which delivers the best outcomes for the diverse society in which and for whom we work. We are committed to undertake an equality impact assessment on all relevant policies.

People Directorate

Neonatal Care Leave Policy



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Related Policies

The policy should be read in conjunction with the following related policies:

- Maternity Support (Paternity) Leave Policy
- Shared Parental Leave Policy
- Adoption Policy

Appendix 1: Frequently Asked Questions

Is neonatal leave paid or unpaid?

Neonatal leave is paid at the statutory rate of pay for each full week of leave up to a maximum period of 12 weeks.

When can I use my neonatal leave entitlement?

Neonatal leave can be used up to 68 weeks following the baby's admission to the neonatal unit. However, for the mother the leave must be used immediately once the period of maternity leave ends.

I am the mother of the child, do I need to take my neonatal leave in one single block?

Yes. If you are the mother of the child, you cannot take part of the entitlement and then return to work, or use another type of leave, and then take further neonatal leave.

My maternity leave is due to end and I am entitled to two weeks neonatal leave. I am arranging child care for my return to work. Can I return to work after my maternity leave and take my neonatal leave at a later date?

No. The purpose of neonatal leave entitlement is to ensure that the mother of the child can spend the same amount of time with her child at home as would be the case with maternity leave. For the mother of the child neonatal leave must be taken immediately the maternity leave ends.

I am the father/partner, of a child who has spent more than one week in a neonatal unit before being allowed to come home. Am I entitled to neonatal leave as well as paternity leave.

Yes. Both types of leave have different criteria. Paternity leave can be used at any time up to 52 weeks following the childbirth and neonatal leave up to 68 weeks following admission to the neonatal unit.

Can I use my paternity and neonatal leave in immediate succession?

Yes. Paternity leave can be used at any time from the birth of the child up to a period of 52 weeks. Neonatal leave can be taken any time up to a period of 68 weeks from the first day of admission to the neonatal unit. The two types do not need to be taken in immediate succession; however, the neonatal leave will need to be taken in a single block.

A week for these purposes is a seven-day period starting on any day

Can my manager refuse to grant me neonatal leave at the times I request?

No. you are entitled to neonatal leave if you meet the criteria. However, you must provide the correct notice to management.

Is the amount of leave I am entitled to based upon the number of days my child spends in the hospital or only the full weeks, i.e. each period of 7 full days?

You will be entitled to leave and pay only for the number of FULL WEEKS your child spends in care, i.e. seven consecutive days. Therefore, if your child is in neonatal care for 10 days, you will receive one full week in leave and pay if you meet the eligibility criteria. If your child is in care for 25 consecutive days you will receive neonatal leave and pay for 3 weeks if you meet the eligibility criteria.

People Directorate

Neonatal Care Leave Policy



My baby came home with me a few days following the birth but then became ill and was admitted to hospital for 10 days. Am I entitled to neonatal leave?

You will be entitled to neonatal leave in this instance provided the baby is admitted to hospital within 28 days of childbirth. Should hospital admission have occurred later than the 28 days then this type of leave will not apply.

People Directorate

Neonatal Care Leave Policy



Appendix 2: Application for Neonatal Care Leave

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NOTIFICATION OF INTENTION TO TAKE NEONATAL CARE LEAVE

Please complete this form if you are the mother/ father/ non-birthing parent. If you are the mother of the child your maternity leave must be brought to an end in order for neonatal leave to be taken. Once the maternity leave has been brought to an end it is unable to be reinstated.

You must provide at least four weeks' notice if you are the mother of the child and currently on maternity leave.

For the father/ partner/ non birthing parent notice should be provided which is at least the same period as the leave being requested, e.g. if requesting one week off then one week's notice should be provided. Where, for whatever reason this is not possible, please discuss with your line manager prior to requesting leave.

Once completed, please email human-resources@tsatrust.org.uk

Employee Name:	
Location:	
Job Title:	
Department:	
State if you are the mother/ partner/ non-birthing parent:	
Date of birth of child	
Date the baby was admitted to neo-natal care	
Date baby was discharged from neo-natal care	
Period of leave requested	
I wish my neo-natal leave to commence on the following date:	
Employee Signature	

People Directorate

Neonatal Care Leave Policy



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Date:	
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Employer's Confirmation of receipt:
Date:

Appendix 3: Employer Confirmation of Intention to Take Neonatal Care Leave

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CONFIRMATION OF INTENTION TO TAKE NEONATAL LEAVE TEMPLATE LETTER

EMPLOYEE NAME
ADDRESS

DATE
Strictly private and confidential

Dear [Enter first name]

RE: Confirmation of Neonatal Care Leave

Thank you for your Notification of your intention to take neo-natal care leave dated [enter date].

Based upon the information you have provided I can confirm your neo-natal leave will commence on [Enter date] for a period of [Enter details].

I acknowledge that you have provided the requisite notice.

Should you have any queries or concerns at all regarding your curtailment, please do not hesitate to contact me on [Enter details].

Should you feel the need for extra support during this time, you can contact our Employee Assistance Programme, by calling 0800 862 0142 and quoting our employer code which is MHA104305. Additional resources can be accessed online at www.client.smartclinic.com.

We wish you and your family all the best at this difficult time.

Yours sincerely

**Head Teacher
School**