

Academies Trust

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Neonatal Care Leave Policy

Approved by Trust Board: 18 March 2025

Implementation Date: 6 April 2025

## 1.0 Policy Statement

1.1 The Coop Trust understands the importance of family life. We want our employees to have the opportunity to take leave, when circumstances arise, in order to support their family during critical times.

1.2 This policy is designed to outline the provision available to families should their child be taken into neonatal care and a need arise for an employee to take Neonatal Care Leave (NCL).

## 2.0. Eligibility and Application

2.1 Neonatal Care Leave (NCL) can be taken within the first 28 days following the child's birth, and can be taken by the child's parent, child's/mother's partner, or adoptive parent or partner, provided the employee has, or expects to have, responsibility for the child's upbringing and is taking the leave to care for the child. Please note that this provision applies to same-sex couples, as defined by the term "partner".

2.3 There are no minimum requirements, or period(s) of continuous service, to be eligible for NCL, however, there are minimum requirements that apply to pay during this period (please refer to Section 5.0)

2.4 If the leave is not instigated within the first 28 days following birth, there is no provision to carry forward the entitlement.

2.5 The policy only applies to babies who are taken into neonatal care as defined in Section 3.0.

2.6 The right to take NCL is preserved in the event the child dies whilst undergoing relevant treatment as defined in Section 3.0.

2.7 The policy is effective from 6 April 2025.

## 3.0 Definitions

3.1 Neonatal care is defined as *"care for newborns who are admitted to a hospital for at least seven full days of medical/palliative treatment (uninterrupted) within the first 28 days of their birth."*

3.2 Neonatal Care Leave (NCL) is divided into two tiers (periods), as follows:

- Tier One: begins the day the child starts to receive care, and ends seven days after they are discharged i.e. one week
- Tier Two: begins one week after the child's discharge from care (end of Tier One's period) and is available for the remainder of other statutory parental leave up until 68 weeks after the child's birth.

3.3 "Qualifying period" is broadly defined as any period of a week during which the child receives neonatal intensive care without interruption.

3.4 'A week' is defined by the employee's 'typical' or agreed working pattern. This doesn't have to be a full five working days, or seven calendar days, but the pattern they would usually attend work or perform their duties within. E.g. only a Monday and Tuesday

#### 4.0 Entitlement

4.1 If a child is taken into neonatal care, an employee is entitled to a total of 12 weeks' leave which can be taken during either Tier One or Tier Two.

4.2 The total leave provision is 12 weeks - regardless of which tier the leave is taken in - and is a fixed entitlement regardless of the number of births within the same period.

4.3 An employee is entitled to take one week of neonatal care leave in respect of each 'qualifying period' that a child has spent in neonatal care, however, the entitlement only arises after the first seven days of neonatal care and lasts for a period of seven days after the baby is discharged.

N.B. It is likely that only the mother's partner/child's father will be taking NCL during the immediate 28 day period of neonatal care, because the mother will be on maternity leave.

4.4 During Tier One, leave can be taken in continuous or noncontinuous block(s), but a week is the minimum per request for leave i.e. it must be a period of a 'week' but there can be separate periods of requests.

4.5 During Tier Two, leave can only be taken consecutively i.e. not separate weeks but fixed around known operations or further hospitalisation.

## 5.0 Pay

5.1 An employee will be paid full pay for the first four weeks of leave. An employee is entitled to receive statutory pay during subsequent weeks of neonatal care leave, and its calculation applies in the same way as those eligible for statutory maternity pay.

5.2 An employee must have at least 26 weeks' service by the end of the 15th week before the expected week of childbirth.

5.3 If the child is born early, hence the need for neonatal care, the continuity of service requirement applies to the expected week, rather than actual week, of birth.

5.4 An employee must earn at or above the lower earnings limit to be entitled to receive NCL pay.

## 6.0 Notice Periods

6.1 The notice periods required during NCL vary depending on the tier within which leave is taken, as follows:

6.1.1 Tier One: minimal notice is required during this period due to the criticality of care taking precedence. The employee must notify their line manager by the time they are due to commence their normal working pattern that leave is required. This does not have to be in writing but communication must be clear and confirm the request for leave and expected timeline around return and/or continuation.

6.1.2 Tier Two: employees must give fifteen working days notice of one week's leave or 28 days' notice of two or more week's leave. This change in notice is due to the likelihood that an employee will be using the residual of the leave to extend their maternity or paternity leave

## 7.0 Protections

7.1 Individuals taking NCL will be afforded the same protections that apply to other periods of family-related leave including, but not limited to:

- Retention of all relevant terms and conditions (other than remuneration) during the period of leave
- Right to return to the same job, or suitable alternative
- Protection from redundancy for 18 months after the date of birth/adoption
- Protection from dismissal, if reason for the dismissal relates specifically to the taking of NCL

## 8.0 Interaction with other leave policies

8.1 NCL can be used to extend maternity, paternity, shared parental or other family related leave where applicable and as met by the definition in Section 3.0. Please refer to other related policies for information regarding entitlement.