



EVERYONE MATTERS
SCHOOLS TRUST

Neonatal Care Leave Policy

Everyone Matters Schools Trust Central Policy



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| Policy Owner | CEO and Trustees |
| Scope of the Policy | Trust wide |
| Last reviewed by trustees | September 2025 |
| Next review due | September 2027 |
| Summary of key changes | New Policy |
| Committee Responsible | Trustees |

1 SCOPE AND PURPOSE

- 1.1 This policy explains the circumstances in which you may be eligible to take Neonatal Care Leave (NCL) and/or to receive Statutory Neonatal Care Pay (SNCP) when your baby requires at least one week of specialist Neonatal Care in the 28 days following the day of their birth.
- 1.2 The statutory provisions relating to NCL and SNCP are complex and, in the event of any inconsistency, they will override the terms of this policy.
- 1.3 No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time on consultation with recognised unions.

2 WHO IS COVERED BY THIS POLICY?

- 2.1 The aspects of this policy relating to NCL cover all employees at all levels and grades including senior managers, employees, trainees, part-time and fixed term employees (referred to as employees in this policy). They do not apply to agency workers, consultants or self-employed contractors.
- 2.2 The aspects of this policy relating to SNCP apply both to employees and also to those who are not employees but are in 'employed earner's employment'. If you are unclear as to whether you fall into this category, please contact the Principal/Head Teacher for further information.

3 WHO IS RESPONSIBLE FOR THE POLICY?

- 3.1 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal/Head Teacher.
- 3.2 The Senior Leadership Team has a specific responsibility to ensure the fair application of this policy and all employees are responsible for supporting colleagues and ensuring its success.

4 DEFINITIONS

- 4.1 The definitions in this paragraph apply in this policy:

Neonatal Care: includes time spent in or being transported between:

Medical care received in a hospital (for example, in a special care baby unit (SCBU), local neonatal unit (LNU) or neonatal intensive care unit (NICU));

Medical care received in any other place which meets the following criteria:

the child was an inpatient in hospital and the care is received upon that child leaving hospital;

the care is under the direction of a consultant; and

the care includes ongoing monitoring by, and visits to the child from, healthcare professionals arranged by the hospital; or

Palliative or end of life care.

Qualifying Period: each uninterrupted period of 7 days during which a baby is in Neonatal Care (not counting the day of admission to Neonatal Care) will form a Qualifying Period. Part weeks do not count. The Neonatal Care must have commenced within the 28 days immediately following the day the baby was born.

Waiting Period: the first 8 days starting with the day the baby is admitted to Neonatal Care.

Relevant Week: either:

the 15th week before the expected week of childbirth (in birth / surrogacy cases);

the week in which you were notified of a match (in UK adoption cases); or

the week before the Neonatal Care starts (in any other case).

Tier 1 Period: whilst the baby is in / within 7 days of the baby exiting from Neonatal Care.

Tier 2 Period: from the day after the end of the Tier 1 Period and ending 68 weeks (476 days) after the day the baby was born.

5 ENTITLEMENT TO NEONATAL CARE LEAVE

5.1 An employee who meets the eligibility conditions will be entitled to take up to one week of NCL for each continuous week of Neonatal Care their baby receives, provided their baby was admitted to Neonatal Care within 28 days following the day of their birth. The maximum NCL entitlement is 12 weeks.

5.2 An employee is entitled to NCL if he/she meets all of the following conditions:

5.2.1 The baby must:

5.2.1.1 Enter Neonatal Care aged 29 days' old or less; and

5.2.1.2 Have received at least one continuous week of Neonatal Care (not counting the first day).

5.2.2 The employee must:

5.2.2.1 Have a qualifying relationship with the baby (i.e., at the date of birth you are the baby's actual or intended parent, or the partner of the baby's mother, and you intend to have sole/joint responsibility for the child's upbringing);

5.2.2.2 Be taking NCL to care for the baby (unless accrued NCL is being taken posthumously); and

5.2.2.3 Be taking NCL before the end of 68 weeks beginning with the date of the baby's birth (i.e. within 476 days)

5.3 Entitlement to NCL / SNCP may be accrued in respect of more than one baby but, if those babies are in Neonatal Care at the same time, then NCL / SNCP only accrues in respect of one of them. The 12-week maximum cap on NCL / SNCP still applies even where more than one baby is receiving Neonatal Care.

5.4 Employees may also be entitled to take NCL / SNCP if they are an intended (parental order) parent, the child's adopter or prospective adopter, an overseas adopter, or the partner of the adopter, prospective adopter or overseas adopter. For more information on NCL / SNCP in these circumstances, please contact the **Principal/Head Teacher**.

6 NOTIFICATION OF INTENTION TO TAKE LEAVE

6.1 An employee must give the **Principal/Head Teacher** the following notice to take a period of NCL:

6.1.1 **NCL during the Tier 1 Period:** in respect of each week of NCL, notice must be given before the employee is due to start work on the first day of absence (or as soon as it is reasonably practicable to give notice).

6.1.2 **NCL during the Tier 2 Period:** at least 15 days' notice for a single week of NCL, or 28 days' notice for two or more consecutive weeks of NCL.

7 TAKING NEONATAL CARE LEAVE

7.1 NCL taken in the Tier 1 Period cannot be taken in the Waiting Period and can be taken in non-consecutive weeks.

7.2 Any NCL taken in the Tier 2 Period must be taken in consecutive weeks. When booking a period of NCL in the Tier 2 period, you must ensure your NCL will not be interrupted by the start of another period of statutory family leave that you have booked.

7.3 Any accrued NCL must be used before the end of 68 weeks beginning with the date of the baby's birth (i.e., within 476 days of the day of birth). Once that deadline passes, any accrued but unused NCL is lost.

7.4 If a baby is discharged from Neonatal Care, but is readmitted again within the first 28 days after their birth for a further Qualifying Week or more, then the Tier 1 period will resume until 7 days after the second period of Neonatal Care ends.

7.5 Wherever practicable, shortly before an employee's NCL starts the Principal/Head Teacher will discuss with him/her the arrangements for covering his/her work and the opportunities to remain in contact, should he/she wish to do so, during the NCL.

7.6 Employees can cancel a planned period of NCL that is due to start in a Tier 2 Period by notifying the Principal/Head Teacher at least 15 days before the NCL starts (for a single week of NCL) or 28 days before the NCL starts (for two or more consecutive weeks of NCL).

7.7 Employees must provide us with specified written information confirming their eligibility for NCL. The easiest way to do this is via the Neonatal Care Leave Notice.

8 STATUTORY NEONATAL CARE PAY

8.1 Statutory neonatal care pay (**SNCP**) is payable for up to 12 weeks. The requirements for entitlement to SNCP mainly mirror those for entitlement to NCL. In addition, the employee / employed earner must have:

8.1.1 26 weeks' continuous service by the Relevant Week; and

8.1.2 Received average normal weekly earnings of not less than the lower earnings limit in the eight weeks before the Relevant Week.

8.2 SNCP is payable at whichever is lower of the Prescribed Rate set by the government each year or 90% of average weekly earnings (if lower).

8.3 SNCP payments shall be made on the next normal payroll date and Income Tax, National Insurance and pension contributions shall be deducted as appropriate.

8.4 An employee/employed earner must give the **Principal/Head Teacher** the following notice to receive SNCP:

8.4.1 **SNCP during the Tier 1 Period:** notice must be given no more than 28 days after the first day of the week that SNCP is being claimed for; or

8.4.2 **SNCP during the Tier 2 Period:** at least 15 days' notice for a single week of SNCP, or 28 days' notice for two or more consecutive weeks of SNCP.

8.5 Maternity Pay provided for in the Burgundy Book or the Green Book (whichever applies).]

9 TERMS AND CONDITIONS DURING NCL

9.1 All the terms and conditions of an employee's employment remain in force during NCL, except for the terms relating to his/her normal pay.

10 ANNUAL LEAVE

10.1 During NCL, annual leave will accrue. Annual leave cannot usually be carried over from one holiday year to the next.

10.2 This entitlement applies to all employees including term time only and teachers.

10.2.1 Term Time Only Workers – In order to calculate the entitlement to annual leave it is necessary to carry out a 'Balance of Salary' calculation at the start of the NCL period and a second calculation at the end of an employee's leave period. This calculation takes into account an employee's start date with the school and the number of completed weeks of the academic year up to the point an employee starts his/her NCL. The proportion of completed weeks will then be compared to the salary an employee has been paid for the same period. In most cases this results in a payment of a balance of salary, however, there may be instances where the salary paid exceeds the weeks which have been worked and a recovery of salary is necessary. Once an employee returns to work, a second calculation is carried out to identify whether he/she is entitled to a payment in respect of annual leave he/she has accumulated whilst on NCL.

10.2.2 Teachers – The School Teacher's Pay & Conditions Document/The contracts of employment in place within the **School** make no specific reference to an entitlement to annual leave for teachers. There is however a statutory right to a minimum of 28 days per annum under the Working Time Regulations. Periods of school closure count towards this entitlement, consequently it is unlikely that teachers returning to their posts following a period of NCL will have acquired a right to additional annual leave. It is possible that teachers who resign their post and do not return could have an outstanding balance of annual leave payable.

10.3 The **School's** holiday year runs from 1 September to 31 August each year.

11 PENSIONS

For details of the implication of SNCP or ONCP on an employee's pension please contact the School's Business Manager/ Office Manager who will advise further.

12 KEEPING IN TOUCH

12.1 An employee's Line Manager/Senior Leadership Team may make reasonable contact with him/her from time to time during NCL.

13 INTERACTION WITH OTHER TYPES OF LEAVE

13.1 An employee's entitlement to NCL / SNCP does not directly affect their eligibility for or entitlement to other statutory family leave and pay, such as:

- 13.1.1 Maternity leave and pay (see our Maternity Leave Policy);
 - 13.1.2 Adoption leave and pay (see our Adoption Leave Policy);
 - 13.1.3 Paternity leave and pay (see our Paternity Leave Policy);
 - 13.1.4 Shared parental leave and pay (see our Shared Parental Leave Policy);
 - 13.1.5 Parental leave (see our Parental Leave Policy);
 - 13.1.6 Parental bereavement leave and pay or time off for domestic emergencies (see our Special Leave Policy).
- 13.2 However, it is not possible to be on two different forms of statutory family leave at the same time.
- 13.3 Depending on the circumstances, when a baby is admitted to Neonatal Care, the employee may have:
- 13.3.1 **Already commenced** a period of maternity, adoption, paternity, or shared parental leave (for example, even if it was originally due to commence on a later date, maternity leave will be automatically triggered by childbirth). In which case, the employee can accrue NCL and take it after that statutory family leave ends by giving the appropriate notice; or
 - 13.3.2 **Pre-booked** another type of statutory family leave (for example, paternity leave or shared parental leave) to start on a specified date. If a period of NCL is interrupted by the start of another pre-booked period of statutory family leave (such as paternity leave), then the following rules apply:
 - 13.3.2.1 **In the Tier 1 Period (i.e., whilst the baby is in / within 7 days of the baby exiting Neonatal Care):** the remainder of the interrupted period of NCL will automatically resume straight away after the other statutory family leave ends (without the need to give us further notice); or
 - 13.3.2.2 **In the Tier 2 Period (i.e., the Neonatal Care ended more than 7 days ago):** the remainder of the interrupted period of NCL must be added onto any further period of NCL intends to take at a future point.
- 13.4 When booking a period of NCL in the Tier 2 period, the employee must ensure it will not be interrupted by the start of another period of statutory family leave that they have already booked. If an employee attempt to book a period of NCL which clashes with another pre-booked period of statutory family leave in the Tier 2 Period they will not be entitled to take NCL and the other period of pre-booked statutory family leave will take precedence, unless they cancel or postpone it (in accordance with the applicable rules relevant to that form of statutory family leave).
- 14 **AN EMPLOYEE'S RIGHTS UPON RETURN TO WORK**
- 14.1 An employee is normally entitled to return to work in the same position as he/she held before commencing NCL. An employee's terms of employment shall be the same as they would have been had he/she not been absent.
- 14.2 However, special rules apply where an employee has taken NCL straight after or before:
- 14.2.1 a period of parental leave of more than four weeks; or
 - 14.2.2 a period of statutory leave which, when added to any other periods of statutory leave taken in relation to the same child, means that the total amount of statutory leave

taken in relation to that child totals more than 26 weeks (for these purposes 'statutory leave' means maternity, adoption, paternity, shared parental leave and/or parental bereavement leave).

In such cases, the employee's right to return is to the same job or, if it is not reasonably practicable to permit the employee to return to that job, to another job which is both suitable and appropriate in the circumstances.

15 **REDUNDANCIES DURING OR AFTER NEONATAL CARE LEAVE**

15.1 If an employee's role is affected by a redundancy situation and they:

15.1.1 Are currently on NCL; or

15.1.2 Have taken six consecutive weeks of NCL and fall within the additional period of protection, which runs for a period of 18 months beginning with the day on which the baby was born (in birth/surrogacy cases), was placed for adoption (UK adoption cases) or entered Great Britain (adoption from overseas cases);

then the following principles will apply:

15.1.3 The employee will remain eligible for redundancy selection alongside any other staff whose roles are similarly affected, although we may adjust some redundancy selection criteria so they are not disadvantaged by their NCL; and

15.1.4 The employee shall be given priority for any suitable alternative vacancies that are appropriate to their skills.