

# Neonatal Care Leave and Pay (NCL/NCP) Guidance

(in line with current legislation @ 6 April 2025)

Neonatal Care Leave (NCL) Legislation has been introduced, as part of the Governments Plan for Change, to ensure employed parents can focus on supporting their new family without having to work throughout or use up their existing leave and without the pressure of finances or returning to work too soon.

This Guidance lays out the Councils commitment to the provision of Neonatal Care Leave, giving peace of mind to parents who find themselves in this difficult situation.

## Who does this Guidance cover?

This guidance covers all Employees. Teachers should also refer to [the SNCT Handbook Part 2 Section 7](#).

In line with changes made to other forms of family leave in the Employment Rights Bill, employees can benefit from NCL from day one of their employment.

## When does this Guidance take effect?

Guidance is effective From 6 April 2025, following passing of the Neonatal Care (Leave and Pay) Act in 2023.

## Definition of “Neonatal Care” (for purposes of this Guidance)

Neonatal Care must

- have taken place or begun within the first 28 days of birth and
- care must continue for a period of at least 7 continuous days.

There are three categories of defined “neonatal care”:

1. any medical care received in a hospital;
2. medical care received elsewhere following discharge from hospital. (This care must be under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals; or
3. palliative/end of life care.

## Who is eligible for Neonatal Care Leave?

Neonatal care leave ('NCL') is a day one right and intended to support employees whose baby is receiving, or has received, neonatal care. Eligibility is dependent on:

- At the birth of the baby, the employee must be:
  - one of the baby's parents,
  - one of the baby's intended parents (applicable to surrogacy),
  - partner to the baby's mother (unrelated and living with them in a long-term family relationship, where the expectation is that they are responsible for raising the child).

NB: If adopting, similar principles as above apply.

- The baby must be born on or after 6 April 2025.
- NCL must be used to provide care for the baby.

NB: In the very sad circumstances that the baby dies after NCL has been accrued, employees will still be entitled to take the leave.)

## How much Neonatal Care Leave can be taken?

Eligible parents will be able to take up to 12 weeks of leave (if eligible, paid\*). This will be pro rata for part time workers.

This is on top of any other leave they may be entitled to, including maternity and paternity leave.

- length of NCL will be dependent on how long the baby receives neonatal care (capped at a maximum of 12 weeks).
- parents will be able to take **one week of leave** in respect of **each week\* the baby receives neonatal care without interruption**. \*NB: The week begins on the day after care started.
- For parents of multiple births, neonatal leave cannot be claimed in respect of babies who are receiving care at the same time. (e.g. if twins were to receive care for a period of 6 weeks, the parents would only be entitled to 6 weeks of NCL and the cap would remain at 12 weeks).

## When can the leave be taken?

If NCL is taken whilst the baby is receiving care (and up to a week post discharge), this will be classed as a **tier 1 period**.

- **Tier 1** leave can be taken in **non-continuous blocks of a minimum of one week at a time**.

All other leave falls within the **tier 2 period**.

- **Tier 2** leave must be taken in **one continuous block**.

#### **In all cases**

- Any leave must be taken within 68 weeks of the baby's birth (or placement or entry to Great Britain in the event of adoption).
- Normally NCL will be tagged onto the end of the employee's family leave. (an employee whose baby is admitted for neonatal care is highly likely to be on maternity or paternity leave at the time and statutory maternity leave cannot be stopped and started).
- The employee would be able to take NCL at the end of their planned family leave, so that the time their baby spent in neonatal care is compensated for.

NB: There may be emergency situations when the employee isn't already on leave whilst the baby is in neonatal care. E.g. Where a father or partner's paternity leave has run out while the baby is still in neonatal care. This would be an example of tier 1 leave.

### **Will Neonatal Care Leave be Paid?**

The right to receive statutory neonatal care pay ('SNCP') requires 26 weeks of continuous service with Perth and Kinross Council by the end of the relevant qualifying week and earnings on average of at least £125 a week. (As per entitlement to statutory maternity and shared parental leave pay). SNCP will be paid at the same rate as statutory paternity/maternity pay, see [Rates and thresholds for employers 2025 to 2026 - GOV.UK](#) for more information.

Further information regarding Maternity and Paternal Leave/Pay can be found here [Employment-information-Maternity-Adoption-and-Parental-Entitlements](#).

### **What are the notice requirements for taking NCL?**

In line with other parental leave, employees are expected to provide notice (normally 21 days) of their intention to take NCL. Leave can be requested through MyView or by providing details of the request to the line manager.

For Tier 1 NCL, taken whilst the baby is receiving care, requirement to give notice is waived (for example in an emergency situation where paternity leave has been exhausted and the employee needs to request NCL with immediate effect).

## **Guidance for Managers: During Neonatal Care Leave (NCL)**

Each employee's situation will be unique, and managers should use their judgement and discretion in deciding the most appropriate way to support colleagues at this difficult time.

- Creating a supportive and compassionate work environment allows parents to navigate their challenging circumstances.
- Agreeing a communication plan between employee and manager and what will be communicated to colleagues.
- Familiarise yourself with relevant policies related to support available to the employee

Remember:

- terms and conditions of employment, with the exception of pay, will remain unchanged during a period of NCL.
- an employee will be entitled to return to their original role following a single period of NCL.
- employees who have taken 6 continuous weeks of NCL will retain extended redundancy protection rights (if these do not already apply via maternity, adoption or paternity leave).
- Employees will be protected from detriment and dismissal for exercising their right to take NCL.
- Dismissal of an employee for a reason connected with their taking NCL will be automatically unfair.

For further information about Neonatal Care Leave and Pay please see [guidance from UK charity Bliss](#).