



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Neonatal Policy

DOCUMENT CONTROL

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DOCUMENT APPROVALS

This document requires the following committee approvals:

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| Committee | Date of meeting pending approval |
| Personnel Committee | 25 June 2025 |

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District Council.

DATE FOR REVIEW

No later than 1st June 2028 but sooner if impacted by legislative changes.

REVISION HISTORY

| Version | Revision date | Summary of revision |
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1. **Introduction**

- 1.1 This policy has been developed to help support families whose newborn child spends time in neonatal care following birth. This is generally because the baby is born prematurely (before 37 weeks of pregnancy) or at full-term but sick. For many parents, therefore much of their maternity/paternity leave is spent on the neonatal unit, not at home bonding with their babies.
- 1.2 This policy will ensure that the parents of the child in neonatal care have the opportunity to spend the same amount of time, at home, with their child as would be the case where the child does not spend time in hospital.
- 1.3 This policy does not form part of any contract of employment or other contract to provide services, and it may be amended at any time following consultation with trade union and subject to agreement from the Personnel Committee.
- 1.4 This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers, or interns.

2. **Statutory Neonatal Care Leave (SNCL)**

- 2.1 The right to take SNCL is a day one right for employees whose newborn baby, born on or after 6 April 2025, requires at least seven consecutive days of neonatal care within the first 28 days of their life.
- 2.2 Employees who have a parental relationship with the child receiving care, including birth parents, adoptive parents or intended parents via surrogacy, and partners of these individuals, will be entitled to up to 12 weeks of SNCL. The right to take SNCL is available regardless of length of service and it must be taken within 68 weeks of the child's birth. SNCL is in addition to other forms of statutory family leave, such as maternity or adoption leave.
- 2.3 Employees must notify their employers if they intend to take SNCL. SNCL is structured into two periods: Tier 1 and Tier 2. An employee who intends to be absent on neonatal care leave must give the following notice:
 - Tier 1 period (i.e. whilst in/within one week of exiting neonatal care): in respect of each week of leave, notice must be given verbally or in writing 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). Tier 1 period leave is only likely to be taken by a father or the mother's partner, as the mother will more than likely already be on Maternity leave during the Tier 1 period.
 - Tier 2 period (i.e. more than one week after leaving neonatal care to 68 weeks from birth):
 - for a single week of neonatal leave - notice must be given no later than 15 days before the first day of leave in writing; or
 - for two or more consecutive weeks of neonatal leave, notice must be given no later than 28 days before the first day of leave

- 2.4 Employees taking SNCL are protected from unfair dismissal and detriment. If an employee is made redundant during SNCL after six consecutive weeks of leave, the employer must offer a suitable alternative vacancy where possible. Employees returning to work after SNCL are entitled to return to the same job if they have taken SNCL in isolation or as part of statutory leave of 26 weeks or less. For longer absences, they must be offered a suitable alternative role if returning to the original job is not reasonably practicable.

3. Statutory Neonatal Care Pay (SNCP)

- 3.1 To qualify for SNCP, employees must have a parental relationship with the child and must also have been continuously employed for at least 26 weeks before the relevant week. The relevant week differs based on the circumstances. For birth parents, it is the 14th week before the expected week of childbirth. For adoptive parents, it is the week in which they are matched with the child. For other cases, it is the week before the neonatal care starts. Additionally, employees must earn above the lower earnings limit for National Insurance contributions.
- 3.2 Employees can choose whether to take SNCP in single weeks or multiple non-consecutive weeks during Tier 1. In Tier 2, SNCP must be taken in a consecutive block.
- 3.3 Where the mother of the child does not qualify for maternity pay, she will still be entitled to apply for neonatal leave and pay.
- 3.4 A line manager cannot refuse a request for neonatal leave provided the employee meets the eligibility criterion and provides the requisite period of notice.
- 3.5 Neonatal leave will be paid at the statutory rate for a week's pay up to a maximum of 12 weeks.
- 3.6 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.

4. Impact on maternity leave and other types of family leave

- 4.1 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.
- 4.2 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 care unit.
- 4.3 This 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.