



King's Group Academies

Neonatal Care Leave Policy and Procedure

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1. Aim

Employees have a statutory right to neonatal care leave from day one of employment where they are responsible for a baby receiving neonatal care. We recognise that this can be a difficult and worrying time, both physically and mentally.

This policy explains your rights to time off, pay during time off, and other support offered. Employees will not be subject to detriment for taking neonatal care leave.

2. Scope

This policy applies to all KGA employees, except:

- Casual staff;
- Volunteers;
- Contractors.

3. Entitlement

You are entitled to take one week of neonatal care leave for each consecutive seven-day period that your baby is receiving neonatal care, up to a maximum of 12 weeks.

You may take neonatal care leave if you have parental or other prescribed responsibility for a baby who is receiving, or who has received, neonatal care. This will apply if you are:

- the child's parent, intended parent, or partner of the child's mother at the date of birth;
- in cases of adoption, the child's adopter, prospective adopter, or the partner of either, at the date the child is placed.

Neonatal care is defined in law as care of a medical or palliative kind lasting for at least seven consecutive days which start within 28 days, beginning with the day after the child's birth. The medical care may be received in hospital, or out of hospital providing the child was originally an inpatient and the care is under the direction of a consultant.

Neonatal care also includes support for babies receiving palliative or end-of-life care.

We understand that individuals beyond those eligible for statutory neonatal care leave may also need time off in these difficult circumstances. Such requests should be made through the usual procedures and will be considered separately from statutory neonatal care leave entitlements.

4. Notice requirements

You must give us notice in writing if you want to take neonatal care leave.

The notice must specify:

- your name;
- the child's date of birth OR date of placement in cases of adoption;
- the date(s) the child started receiving neonatal care;
- the date neonatal care ended if the child is no longer receiving it;
- the date you want the leave to begin;
- the number of weeks' leave you want to take;
- the declaration that you are taking the leave to care for the child;
- the declaration that you meet the eligibility requirements.

You can take neonatal care leave during two periods:

- **'Tier one period'** starts from the day the child starts receiving neonatal care, ending with the seventh day after the child stops receiving neonatal care.
Leave in this period:
 - a. cannot be taken before the day after the first 7-day uninterrupted period of neonatal care;
 - b. can be taken in non-consecutive weeks.
- **'Tier two period'** is any period which is outside of tier one but you are entitled to neonatal care leave. Leave taken in this period must be taken consecutively.

If you wish to take neonatal care leave in the tier one period you must give us the required notice before you are due to start work on the first day of absence, unless it is not reasonably practicable to do so, to prevent any delays in accessing your entitlement.

If you wish to take neonatal care leave in the tier two period, you must give us the required notice no later than 15 days before the first day of leave when taking a single week, or no later than 28 days before the first day of leave when taking two or more weeks.

If you change your mind about taking neonatal care leave, you can withdraw your notice by following the same notice periods as above.

Your neonatal care leave will start on the day specified in your notice unless the leave is due to start on the same day as the notice is given, or you are at work on that day, then it will start the day after.

5. Taking leave

You must take your neonatal care leave before the end of a period of 68 weeks beginning with the child's date of birth or date of placement in cases of adoption.

If you accrue neonatal care leave after already starting another period of family leave, such as maternity or paternity leave, then you can take the neonatal care leave after the end of the statutory family leave period, providing it is within 68 weeks beginning on the child's date of birth or placement.

6. Pay during leave

You are entitled to Statutory Neonatal Care Pay during neonatal care leave if you:

- are eligible for statutory neonatal care leave;
- 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.

If you are eligible, you are entitled to a maximum of 12 weeks' Statutory Neonatal Care Pay, paid at one week per every seven uninterrupted days of care the child receives.

The weekly rate of Statutory Neonatal Care Pay is the lower of:

- the current statutory rate;
- 90% of your normal weekly earnings.

If you are eligible for Statutory Neonatal Care Pay, you need to give us notice in writing of your intention to claim it alongside your notice of intention to take neonatal care leave.

Where you are claiming Statutory Neonatal Care Pay in the tier one period, you must provide notice before the end of 28 days after the first day of the pay week the notice refers to.

If you are claiming Statutory Neonatal Care Pay in the tier two period, you must provide notice no later than 15 days before the first day of the relevant pay week when taking a single week, or no later than 28 days before the first day of the first relevant pay week when taking two or more weeks.

The notice must include:

- your name;
- the child's date of birth OR date of placement in cases of adoption;
- the date(s) the child started receiving neonatal care;
- the date neonatal care ended if the child is no longer receiving it;
- the declaration that the week you are claiming pay for was taken to care for the child;
- the declaration that you meet the eligibility requirements.

7. Returning to work

You have the right to return to work to the same role unless you return after a specific point at which you will have the right to return to a similar job on no less favourable terms if it is not practicable for you to return to the same role. Your manager will explain how this affects you based on your individual circumstances.

8. Employee assistance programme

We would like to remind you that you have access to a 24-hour employee assistance programme, details of which can be found on MyKGA. We would like to encourage you to use this service if you feel that talking to someone about your situation would be helpful.

9. Other related policies

Your entitlement to time off on the loss of a child is set out in our Leave of Absence Policy, including details of eligibility, pay during time off, and other support available.

If you wish to make a request for any other type of leave, please refer to our Leave of Absence Policy.

We also have separate policies that explain your entitlements to maternity leave, adoption leave, paternity leave, and shared parental leave and pay during these types of leave.

10. Use of neonatal care leave

Employees who take time off under this policy for reasons other than those for which the statutory right to neonatal care leave is intended for, may be subject to investigation and subsequent disciplinary proceedings.

11. Management of policy

The King's Group Academies Trustees have overall responsibility for the maintenance and operation of this policy. They will maintain a record of concerns raised and the outcomes. King's Group Academies policies will be reviewed regularly and will include an evaluation for impact on workload and working hours.

12. Appendix A

Neonatal Care Leave Notification Form

Please ensure you have read the neonatal care leave policy in full before completing this form to ensure you qualify for neonatal care leave and understand how it can be taken.

Employees do not have to give notice in writing for leave during the tier one period.

Employees who are taking neonatal care leave in the tier two period, must complete this form alongside the “Statutory Neonatal Care Pay notification form” if they wish to claim entitlement to Statutory Neonatal Care Pay.

A copy of this completed form must be emailed to CentralHR@kingsacademies.uk.

Employee name	
Academy	
Child’s date of birth or placement if adopting	
Date(s) the child started receiving neonatal care	
Date(s) the child stopped receiving neonatal care	
Start date of proposed neonatal care leave	
Number of weeks leave to be taken	
<i>Please note that you are required to give notice of your intention to take neonatal care leave. If the child is no longer receiving care, this is either 15 days for one week of leave, or 28 days for two or more weeks of leave.</i>	

Declaration

I am entitled to take neonatal care leave because:	
I am either: <ul style="list-style-type: none">● at the date of birth:<ul style="list-style-type: none">○ the child’s parent○ the child’s intended parent○ the partner of the child’s mother● at the date of placement (in cases of adoption)<ul style="list-style-type: none">○ the child’s adopter○ the child’s prospective adopter○ the partner of either of the above● have, or expect to have, responsibility for the upbringing of the child	

I am taking the leave to care for the child in question	
I have not exceeded my entitlement to neonatal care leave	
I have given at least the required amount of notice	

I understand that if I knowingly misuse neonatal care leave, e.g. request or take neonatal care leave for a purpose other than that intended by the statutory right to take neonatal care leave, I may be subject to disciplinary proceedings.

Signature	
Date	

13. Appendix B

Statutory Neonatal Care Pay Notification Form

Please ensure that you have read the neonatal care leave policy before completing this form to ensure you qualify for Statutory Neonatal Care Pay.

Employees taking neonatal care leave in the tier one period must complete this form to claim entitlement to Statutory Neonatal Care Pay. Employees do not have to give notice in writing for leave during this period.

Employees taking neonatal care leave in the tier two period must complete this form to claim entitlement to Statutory Neonatal Care pay, alongside the "Neonatal Care Leave Notification Form".

A copy of this completed form must be emailed to CentralHR@kingsacademies.uk.

Employee name	
Academy	
Child's date of birth or placement if adopting	
Date(s) the child started receiving neonatal care	
Date(s) the child stopped receiving neonatal care	
Start date of proposed/taken neonatal care leave	
Number of weeks leave to be taken	
<p><i>Please note that you are required to give notice of your intention to claim Statutory Neonatal Care Pay.</i></p> <p><i>If you have taken leave whilst the child is/was receiving care, you must provide notice within 28 days of the first day of leave.</i></p> <p><i>If the child is no longer receiving care, this is either 15 days for one week of leave or 28 days for two or more weeks of leave.</i></p>	

Declaration

I am entitled to receive statutory neonatal care pay because:	
I am entitled to take neonatal care leave	
I had 26 weeks continuous service up to the relevant week	

I earned at least the lower earning limit on average for the eight weeks up to the relevant week	
I have given at least the required amount of notice	

I understand that if I knowingly misuse neonatal care leave, e.g. request or take neonatal care leave for a purpose other than that intended by the statutory right to take neonatal care leave, I may be subject to disciplinary proceedings.

Signature	
Date	