

Frequently Asked Questions (FAQs) on Neonatal Care Leave

Neonatal Care (Leave and Pay) Act 2023 comes into force on **6 April 2025** and introduces a new right to statutory neonatal care and leave for parents with babies (born on or after 6 April 2025) needing specialist care after birth.

1. What is neonatal care leave?

Neonatal care leave is a new entitlement for employees who are parents of a child who requires neonatal care. This includes biological parents, intended parents (under a surrogacy arrangement), the partner of the child's mother, and adopters or prospective adopters. The leave is available when a baby is admitted to the hospital within the first 28 days of birth and stays for at least seven full days.

2. What does "neonatal care" mean?

Neonatal care refers to medical care provided to a child in a hospital or other healthcare facility. It includes care while the child is an inpatient in the hospital and any ongoing care after the child is discharged, such as consultant-led care and visits from healthcare professionals.

3. Who is eligible for neonatal care leave?

Employees are eligible for neonatal care leave if they:

- Have at least 26 weeks of continuous employment and earn an average of at least £123 a week.
- Are biological parents, intended parents (under a surrogacy arrangement), partners of the mother, or adoptive parents.
- Are responsible for the child's upbringing and are taking the leave to care for the baby.

4. How much neonatal care leave can an employee take?

Employees are entitled to up to **12 weeks of neonatal care leave**, depending on how long the baby receives care. The leave is divided into two tiers:

- **Tier 1:** Covers the period the baby is receiving care, starting from the first day of care and ending on the seventh day after the baby stops receiving care.
- **Tier 2:** Covers any remaining leave and must be taken in a continuous block, usually at the end of the employee's family leave (e.g., maternity or paternity leave).

5. When can neonatal care leave be taken?

Neonatal care leave must be taken within **68 weeks** of the child's birth (or placement, for adopters). Tier 1 leave can be taken in non-continuous blocks, while Tier 2 leave must be taken continuously at the end of family leave.

6. What are the notice requirements for neonatal care leave?

Employees must provide written notice to their employer about their intention to take neonatal care leave, including:

- Employee's name and the baby's birth/placement date.
- Dates when the baby started and stopped receiving neonatal care.
- The chosen start date for the leave and the number of weeks to be taken.
- A confirmation that the employee is eligible for neonatal care leave.

The notice requirements differ for Tier 1 and Tier 2 leave periods, though these can be waived by mutual agreement between the employee and employer.

7. What rights do employees have during neonatal care leave?

Employees retain their employment rights during neonatal care leave, including:

- The right to return to the same or a suitable job.
- Protection from detriment or dismissal for taking the leave.
- Extended redundancy protection after six consecutive weeks of leave, which lasts until the child turns 18 months old.

8. Is neonatal care leave paid?

Yes, neonatal care leave is paid, but only for employees who have been employed for at least 26 weeks and earn at least £123 per week. The pay rate is aligned with statutory paternity and shared parental pay, set at **£187.18 per week from 7 April 2025**.

9. What happens if an employee has taken maternity or paternity leave?

If an employee has already taken maternity or paternity leave and their baby requires neonatal care, the remaining leave from the neonatal care entitlement will be added to their total family leave. Tier 2 leave compensates for any overlapping periods between neonatal care leave and other family leave.

11. Can an employee return to work after taking neonatal care leave?

Yes, employees have the right to return to their same job or a suitable alternative role if it's not reasonably practicable to return to the same position. If they take more than six continuous weeks of leave, they will have enhanced protection from redundancy during their absence.

12. Can employers ask for evidence of neonatal care?

Yes, employees may need to provide evidence of their entitlement to neonatal care leave and pay. This includes proof of the baby's hospital admission and the dates of care.

13. What happens if an employee is on maternity leave or shared parental leave and their baby requires neonatal care? When can they take neonatal care leave?

If an employee is already on maternity leave or shared parental leave and their baby is admitted to neonatal care, they can take neonatal care leave after their current leave ends. **Tier 1 neonatal care leave** can be taken in non-continuous blocks, but it must be taken during the period the baby is receiving care. **Tier 2 leave** can be taken continuously at the end of the employee's maternity or shared parental leave if there is any remaining entitlement to neonatal care leave. This ensures that parents receive additional support to care for their baby if needed during or after other family leave.

14. What happens if an employee is on maternity or shared parental leave and needs to take Tier 1 neonatal care leave?

If an employee is on maternity leave or shared parental leave and their baby is admitted to neonatal care, they are entitled to take Tier 1 neonatal care leave during the period the baby is receiving care, even if they are already on maternity or shared parental leave.

Key points to note:

Tier 1 neonatal care leave can be taken while the baby is in neonatal care, even if the employee is already on maternity or shared parental leave.

This leave can be taken in non-continuous blocks, with a minimum of one week at a time.

It is additional leave, separate from maternity or shared parental leave. This means that the employee can continue their maternity or shared parental leave and take Tier 1 neonatal care leave as needed, depending on the duration of neonatal care.

Example:

If an employee is on maternity leave and their baby is admitted to neonatal care, the employee can take neonatal care leave on top of their maternity leave, for the period the baby is in care.

This leave will be non-continuous (i.e., in blocks of at least one week) and can overlap with their maternity leave if necessary.

To summarise, if an employee on maternity or shared parental leave needs to care for their baby during neonatal care, they can take Tier 1 neonatal care leave without disrupting their existing family leave, allowing them to care for their baby without using up their maternity or shared parental leave entitlement.