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Neo-Natal Policy
Metanoia Institute

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Related policies
• Adoption Policy • Paternity Policy • Parental Leave Policy • Shared Parental Leave Policy • Parental Bereavement Leave Policy • Sickness Absence Policy • Maternity Leave Policy
External Reference

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1. Policy Statement:

Metanoia Institute is committed to the promotion of Family Care and recognises the difficulties that new parents face, especially when a newborn child is facing neo-natal care. This policy is to ensure that any employee facing this difficult time is supported.

2. Purpose:

The policy aims to:

- To inform employees who have responsibility for a newborn receiving neonatal care. Of their statutory rights and responsibilities.
- To allow employees to preserve the length of their other statutory family leave entitlements that would otherwise have been used during the time the baby is receiving care
- To ensure that, as far as possible, employees can combine their career and family responsibilities.

3. Scope:

- For all for employees who have responsibility for a newborn receiving neonatal care.

4. Roles and Responsibilities:

- Metanoia Managers: are responsible for ensuring that the process is followed and where appropriate refer to Metanoia HR Team to guarantee that all matters are resolved promptly and fairly.
- All staff are advised to familiarise themselves with this policy and the appropriate Metanoia Policies. Any issues related to this policy, please contact hr@metanoia.ac.uk

5. Introduction:

The Neonatal Care (Leave and Pay) Act 2023 gives employees a new right to time off work when a baby they have responsibility for is receiving neonatal care.

The purpose of this leave is to allow employees to preserve the length of their other statutory family leave entitlements that would otherwise have been used during the time the baby is receiving care. This type of leave is in addition to the current family friendly rights such as maternity leave and paternity leave. It only applies in the specific circumstance when the child requires neonatal care.

6. Neo-Natal Care:

For the purposes of neonatal care leave, neonatal care is care of a medical or palliative kind lasting for at least 7 consecutive days which starts within 28 days, beginning with the day after the child's birth. Medical care may be received in hospital, or out of hospital providing the child was originally an inpatient and any care is under the direction of a consultant.

Neonatal care also covers babies receiving palliative or end of life care.

7. Eligibility:

Employees who have parental or other prescribed responsibility for a child who is receiving, or who has received, neonatal care may take neonatal care leave.

The employee must be

- 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 leave will be available from day one of employment provided the other eligibility requirements are met.

8. Neo-Natal Leave:

Employees will be entitled to take one weeks' leave for each uninterrupted 7-day period the child is receiving neonatal care. This will be subject to a maximum of 12 weeks' leave.

For example, if the child receives neonatal care for three weeks, the employee will get three weeks of neonatal care leave. If the child receives neonatal care for 15 weeks, the total neonatal care leave will be 12 weeks.

The leave must be taken 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.

Neonatal care leave can be taken during two periods:

- "tier 1 period" – starts from the day the child starts receiving neonatal care, ending with the 7th day after the child stops receiving neonatal care. Leave taken in this period: cannot be taken before the day after the first 7-day uninterrupted period of neonatal care
- can be taken in non-consecutive weeks
- "tier 2 period" – any period which is outside of "tier 1" but the employee is entitled to leave. Leave taken in this period must be taken consecutively.

The two tiers have been created to support the different types of relationship those taking the leave will have to the child.

- Unlike maternity leave, other forms of family leave do not automatically start once the baby is born, therefore, employees taking advantage of these forms of leave will be likely to take their neonatal care leave in the "tier 1 period".
- For those employees taking maternity leave or wishing to postpone the use of their neonatal care leave entitlement, the "tier 2 period" will provide them the opportunity to do so.

9. Notice Requirements:

Employees will be required to give employers notice of intention to take neonatal care leave.

The notice must specify:

- name of the person giving notice
- child's date of birth; and date of placement if adoption
- date(s) child started receiving neonatal care
- date neonatal care ended if the child is no longer receiving it
- date the leave will begin
- number of weeks' leave to be taken
- declaration that the employee is taking the leave to care for the child
- declaration that the employee meets the eligibility requirements

Employees wishing to take their leave in the “tier 1 period” must give their employer notice before they are due to start work on the first day of absence, unless it is not reasonably practicable to do so. This is to reflect the fact that leave during the “tier 1 period” is likely to be taken at the time the child is receiving the care so prevents any delays in an employee accessing their entitlement.

Employees wishing to take their leave in the “tier 2 period” must give their employer 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.

Employees are entitled to withdraw their notice following the same notice periods as above.

The employer and employee can mutually agree to waive the requirements for the employee to give the notice set out above.

Neonatal care leave will start on the day that the employees notice specifies unless the leave is due to start on the same day as the notice is given, or the employee is at work on that day, then it will start the day after.

10. More than One Child Receiving Neonatal Care:

Where an employee has more than one child from the same pregnancy receiving neonatal care, the “tier 1 period” will run from the first day one of the children starts receiving care until the 7th day after the last child starts receiving care.

Employees will accrue leave for each child unless more than one is receiving care at the same time, in which case, leave will accrue at the rate of one child.

The maximum number of weeks that can be accrued remains at 12, and the leave must still be taken 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.

11. Neonatal Care and Other Family Leave:

If the employee accrues neonatal care leave after already starting another period of statutory family leave, then the neonatal care leave can be taken after, providing it is within 68 weeks beginning on the child’s date of birth or placement.

Where the employee has already started neonatal care leave and begins another period of statutory leave, such as maternity or paternity leave, before neonatal care leave is due to end then neonatal care leave will end immediately.

If the employee is still within the “tier 1 period” at the end of the other period of statutory leave, then any remaining neonatal care leave entitlement must be taken immediately.

If the employee is in the “tier 2 period” at the end of the other period of statutory leave, then the remaining entitlement must be taken consecutively with any other neonatal care leave.

12. Neo-Natal Employee:

An employee will be entitled to pay known as “statutory neonatal care pay” whilst they are on neonatal care leave if they:

- 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

Employees will be entitled to a maximum of 12 weeks statutory neonatal care pay, paid at one week per every 7 uninterrupted days of care the child receives.

The weekly rate of statutory neonatal care pay is the lower of:

- the current statutory rate (same rate as statutory maternity pay)
- 90% of employee’s normal weekly earnings

If the employee is eligible for statutory neonatal care pay, the employee will have to provide notice of their intention to claim it alongside their notice of intention to take neonatal care leave.

Where the employee is claiming statutory neonatal care pay in the “tier 1 period”, they must provide notice before the end of 28 days after the first day of the pay week the notice refers to.

If the employee is claiming statutory neonatal care pay in the “tier 2 period”, they 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 requirements of the notice are like that of the notice of intention for leave and must include:

- name of the person giving notice
- child's date of birth; and date of placement if adoption
- date(s) child started receiving neonatal care
- date neonatal care ended if the child is no longer receiving it
- declaration that the week the employee is claiming pay for was taken to care for the child
- declaration that the employee meets the eligibility requirements

13. Rights and Protections:

Employees who qualify for neonatal care leave will be protected from suffering a detriment arising from their taking or requesting to take this type of leave.

Whilst on leave, they will have a right to, and continue to be bound by, the usual contractual entitlements they would normally enjoy with the one exception of remuneration.

Employees taking neonatal care leave will also have the right to return to work to the same job unless the return is after a specific point at which they will have the right to return to a similar job on no less favourable terms if it is not practicable for them to return to the same job.

Employees will also be entitled to additional protections in a redundancy situation whilst taking neonatal care leave, and for a period of 18 months from the child's date of birth if they have taken more than six consecutive weeks of neonatal care leave.

14. Monitoring and Review:

Human Resources are responsible for monitoring the effectiveness of this policy and supporting procedures and will conduct reviews at appropriate intervals. Anyone who feels they have been unfairly treated or discriminated against should contact Human Resources.