



Neonatal Care Leave: what we know so far

Neonatal Care Leave

A new legal provision allowing parents to take up to 12 weeks of neonatal care leave when their baby requires medical or palliative care will come into effect on 6 April 2025. With the necessary legislation now published, businesses must prepare for the implementation of this new right. The following guidance is based on draft regulations that are still subject to final Parliamentary approval and may be subject to change.

Eligibility for Neonatal Care Leave

- Available to all employees whose child is born on or after 6 April 2025, with no minimum service requirement.
- There will be a 26 week qualifying period for neonatal care pay.
- Applies when a baby requires medical care in a hospital or another setting, provided:
 - The child was initially hospitalised and continues to receive care post-discharge.
 - Care is administered under the direction of a consultant.
 - Healthcare professionals arranged by the hospital monitor and visit the child.
- Also available when the baby requires palliative or end-of-life care.
- The child's neonatal care must commence within 28 days of birth and last for at least seven consecutive days.
- The leave must be used to care for the child, but if the baby passes away after eligibility has been met, the leave entitlement remains in place.

Duration of Neonatal Care Leave

- Employees can take one week of leave for each uninterrupted week their baby is in neonatal care.
- Leave must be taken in week-long increments.
- Minimum leave: 1 week; Maximum leave: 12 weeks.
- Neonatal care leave is in addition to maternity and paternity leave

Timing of Neonatal Care Leave

The leave is divided into two periods:

- Tier 1: Begins when neonatal care starts and ends seven days after care ceases.
- Tier 2: Any remaining period up to 68 weeks post-birth.

During Tier 1, leave can be taken in non-continuous blocks. In Tier 2, it must be taken in one continuous block. The 68-week cut-off ensures that leave can be taken flexibly, even after maternity or paternity leave ends.



Notice Requirements

During Tier 1:

- Employees must inform their employer before the first workday of their leave or as soon as reasonably possible.
- No written notice is required.

During Tier 2:

- For a single week of leave: At least 15 days' notice is required.
- For two or more consecutive weeks: At least 28 days' notice is required.
- Notice must be in writing.

Employers and employees can mutually agree to waive notice requirements.

Statutory Neonatal Care Pay: Eligibility & Notice Requirements

To qualify for statutory neonatal care pay, an employee must:

- Have at least 26 weeks of continuous service.
- Earn at least the lower earnings limit for National Insurance over an eight-week period before the relevant qualifying week.

The relevant qualifying week varies based on the type of statutory family-related pay an employee receives.

Notice for Statutory Neonatal Care Pay

- Tier 1 period: Notice must be given within 28 days of the start of the first statutory pay week.
- Tier 2 period:
 - Single week: 15 days' notice.
 - Multiple weeks: 28 days' notice.
- Employers and employees may agree to waive notice requirements.

Statutory Neonatal Care Pay Rates

From 6 April 2025, the weekly statutory neonatal care pay rate is set at £187.18 or 90% of average weekly earnings if lower. This rate will be updated annually in April.





Employment Rights During Neonatal Care Leave

- Employees retain all contractual terms and conditions (except salary), including annual leave accrual.
- Employers may consider offering enhanced neonatal care pay, particularly if they already enhance maternity, paternity, or adoption pay.
- Some employers, including major organisations like Asda, Deloitte, Marks & Spencer, and the University of St Andrews, have already introduced contractual neonatal care leave as part of broader parental leave policies.
- Research indicates that while 25.3% of employers currently provide paid neonatal care leave, the median provision is just five days, suggesting that adjustments will be necessary ahead of the law's implementation.

Employment Protections

Employees taking neonatal care leave are protected from:

- Dismissal or detriment for requesting or taking leave.
- Redundancy discrimination—employees must be offered a suitable alternative role if available while on neonatal care leave and for 18 months post-birth if they have taken at least six consecutive weeks of leave.

Next steps?

Businesses should take steps to update policies, communicate the changes to employees, and ensure payroll systems are equipped to handle neonatal care pay.

Employers may also wish to review their parental leave offerings to align with best practices and improve employee wellbeing.

Get in touch



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