**Statutory Neonatal Care Leave and Pay**

Policy and Procedure

Statutory Neonatal Care Leave and Pay (Births)

1. Scope
	1. The following guidance sets out the **statutory minimum** required by regulation in respect of Statutory Neonatal Care Leave (SNCL) and Statutory Neonatal Care Pay (SNCP) rights, which are applicable to all employees in the case of births. In the case of multiple births the term child may be read as children and the term birth as births.
2. Frequently Used Terms
	1. The definitions in this paragraph apply in this guidance.

**Expected week of childbirth (EWC):** The week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.

**Parent:** One of two people who will share the main responsibility for the child's upbringing (and who may be either the birthing parent, the other parent, or the birthing partner if not the other parent).

**Partner:** Spouse, civil partner, or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Intended parent**: A person who on the day of the child’s birth has applied or intends to apply during the period of 6 months beginning with the day of the child’s birth for a parental order and expects the court to make such an order on that application in respect of the child;

**Overseas adopter**: A person with whom the child is living, following the child’s entry into Great Britain from outside the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom, and who has received official notification in respect of the child;

**Prospective adopter**: A person who has been approved as suitable to adopt a child and has been notified of that decision or with whom the child has been placed,

**Qualifying Week:** The fifteenth week before the expected week of childbirth.

**Qualifying Period:** Any period of a week during which the child receives neonatal care without interruption beginning

(a) for the first qualifying period, on the day after the day on which the care starts and,

(b) for a subsequent qualifying period, on the day after the end of the preceding qualifying period.

 **Tier 1 period:** Period of time beginning with the day child starts receiving neonatal care and ending with the 7th day after the day child stops receiving neonatal care;

**Tier 2 period:** Any period of time which is not a tier 1 period in which an employee is entitled to take leaveand must be taken before the 68th week following the child’s date of birth. This leave must be taken in one continuous block of time.

**Neonatal Care:** Care of a medical or palliative kind, starting before the end of a period of 28 days from the day after the date of child’s birth. Prescribed kinds of care within the definition are:

(a) medical care received in a hospital;

(b) medical care received in any other place that meets the following criteria—

(i) the child was an inpatient in hospital and the care is received upon that child leaving hospital;

(ii) the care is under the direction of a consultant; and

(iii) the care includes ongoing monitoring by, and visits to the child from, healthcare professionals arranged by the hospital referred to in paragraph (i); and

(c) palliative or end-of-life care.

1. Eligibility for SNCL
	1. The employee must be either the:
		* 1. Child’s parent,
			2. The partner of child’s mother, or
			3. An intended parent of the child, and
	2. At the time of Childs’ birth, the person has or expects to have
		* 1. if the person is the parent or intended parent of the child, responsibility for their upbringing
			2. If the person is the partner of child’s mother, the main responsibility (apart from any responsibility of their partner) for the upbringing of the child.
	3. The conditions are satisfied if the person is:
		* 1. Childs Adopter/Prospective Adopter
			2. Overseas adopter
			3. The Partner of the adoptive parent/prospective/overseas adopter who has or expects to have the main responsibility (apart from any responsibility of their partner) for upbringing of the child
	4. The neonatal care leave must continue without interruption for a period of at least seven days beginning with the day after the day on which the care starts.
	5. Neonatal care must start before the end of a period of 28 days beginning with the day after the date of the child’s birth.
	6. Where an employee takes neonatal care leave in the tier 1 period—
		* 1. the leave may not be taken before the day after the first qualifying period;
			2. the leave may be taken in non-consecutive weeks.
	7. Any neonatal care leave the employee does not choose to take in the tier 1 period
		* 1. may be taken in the tier 2 period;
			2. must be taken consecutively.
	8. If the employee is eligible and gives the required written notice they are entitled to take the leave; it cannot be refused or deferred by the employer.
	9. Leave must be taken before the end of a period of maximum 68 weeks beginning with the date of the child’s birth.
2. Eligibility for SNCP
	1. The employee must:
3. Meet the conditions outlined above
4. Meet notice requirements outlined below
	1. Notice requirements:
		1. An employee must give notice of their intention to take any absence from work as neonatal care leave specifying:
			1. the name of the person giving notice to take neonatal care leave;
			2. Child’s date of birth and where relevant
				1. in cases of adoption, the date child is placed, or
				2. in cases of overseas adoption, the date child enters Great Britain;
			3. the date that child started to receive neonatal care or, if the notice covers each date that child started to receive neonatal care such dates that child started to receive neonatal care on;
			4. if child is no longer receiving neonatal care, the date the neonatal care ended;
			5. the date on which the employee chooses the period of absence to begin;
			6. the number of weeks of neonatal care leave the notice is being given for;
			7. that the employee is taking the leave to care for child; and
			8. if it is the first time notice is given in respect of child, confirmation that the person claiming the statutory neonatal care leave meets the condition outlined in paragraph 3
		2. Where a person has given notice to you before child has stopped receiving neonatal care, the person must inform you of the date that the neonatal care ends, as soon as is reasonably practicable after that date.
		3. Where child starts to receive neonatal care again after the employee has notified you that neonatal care has ended, the employee must inform you of the date that the neonatal care started again and the date when it ends, as soon as reasonably practicable after each date.
		4. Where an employee intends to be absent in the tier 1 period, notice must be given in respect of each week of such leave
			1. before the employee is due to start work on the employee’s first day of absence from work in that week, or
			2. in a case where it is not reasonably practicable for the employee to give notice, as soon as reasonably practicable.
		5. Where an employee intends to be absent in the tier 2 period, the employee must give the notice in writing:
			1. for a single week of neonatal care leave, notice must be given no later than 15 days before the first day of the neonatal care leave to which the notice relates;
			2. for two or more consecutive weeks of neonatal care leave, notice must be given no later than 28 days before the first day of the neonatal care leave to which the notice relates.
5. The Entitlement to Statutory Neonatal Leave and Pay and how it can be Taken
	1. The minimum SNCP for the leave will be determined in accordance with the statutory requirements in place at the time. These can be accessed at [www.gov.uk](http://www.gov.uk) .
	2. The entitlement is to up to 12 weeks (as one single or as non-consecutive periods of leave of a week each) paid leave, to be taken within 68 weeks of the birth date.
	3. The leave can start on any day of the week however, the leave cannot commence prior to the childbirth or the neonatal care needs arising.
	4. If the child is born earlier than expected, SNCL must be taken within 68 weeks of the date of birth.
6. Changing the Start Date of SNCL
	1. An employee who has given notice to take leave in the tier 2 period, may withdraw the original notice in writing, as follows:
		* 1. Where the original notice was given in relation to a single week beginning in the tier 2 period, a notice of withdrawal must be given no later than 15 days before the first day of the week to which the original notice relates;
			2. where the original notice was given in relation to two or more consecutive weeks beginning in the tier 2 period, a notice of withdrawal must be given no later than 28 days before the first day of the first week to which the original notice relates.
	2. The employee and employer can mutually agree to waive the requirement to give notice and in such cases the employee will be treated as having given notice in accordance with this regulation.
7. Employment Rights During Leave
	1. An employee who takes SNCL has the right not to be dismissed or subjected to any other detriment by reason of taking the leave. Continuous service will continue to accrue during Neonatal Care Leave for both teaching and non-teaching employees.
	2. During SNCL an employee has a statutory right to continue to benefit from all the terms and conditions of employment which would have applied to them had they been at work, except for the terms relating to wages or salary. The employee remains bound by their obligations of good faith, as well as any contractual terms relating to the giving of notice, disclosure of confidential information, acceptance of gifts and benefits and freedom to participate in another business/work elsewhere.
8. The Right to Return from SNCL
	1. An employee who has exercised their right to take SNCL has the right to return to the same job that they were employed to do immediately prior to taking the leave. This right depends on the SNCL having been one of the following under regulation 15:
		* 1. An isolated period of leave.
			2. The last of two or more consecutive periods of statutory leave (maternity, adoption, shared parental leave, parental and paternity leave) which did not include any:
			3. Period of parental leave of more than four weeks; or
			4. Period of statutory leave which when added to any other periods of statutory leave (excluding parental leave) taken in relation to the same child means that the total statutory leave taken in relation to that child totals more than 26 weeks.
	2. If the above does not apply, and it is not reasonably practicable for the employer to return the employee to the job they were doing before their SNCL, the employer is entitled to propose an alternative job for the employee to return to which is both suitable for them and appropriate for them to do in the circumstances.
9. Informing your payroll provider that an Employee will be taking SNCL
	1. Where your payroll provider is EPM, employees should complete the attached form, you should retain the original signed copy on the employee’s personnel file and send a copy of the completed form to your designated payroll adviser at the address indicated.
	2. Where your payroll provider is not EPM, you should seek advice on the appropriate procedure.

Application for Statutory Neonatal Care Leave (SNCL) and Pay (SNCP)

**Section A – Employee Details (to be completed by the employee)**

|  |  |
| --- | --- |
| **Employee name** |  |
| **Address for correspondence** |  |
| **Payroll reference** |  |
| **National Insurance No.** |  |
| **Name of School/Academy**  |  |
| **Post title** |  |
| **Copy of evidence attached** | **Yes** |[ ]  **No** |[ ]

**Section B – Application for SNCL**

|  |
| --- |
| 1. I [insert name] confirm that I meet the qualifying conditions for SNCL in that I: |
| a) wish to take SNCL to care for the child **and** |[ ]
| b) will be responsible for the child’s upbringing (apart from the birth parent), **and**  |[ ]
| c) I am either: |
| 1. The birthing parent; or
 |[ ]
| 1. The partner of the child’s birthing parent; or
 |[ ]
| 1. The intended parent
 |[ ]
| 1. The adopter/overseas adopter
 | ☐ |
| 1. The partner of the adopter/overseas adopter
 | ☐ |
| 1. The prospective adopter
 | ☐ |
| 1. The partner of the prospective adopter
 | ☐ |
| Leave type application:  | Tier 1 |[ ]  Tier 2 |[ ]
| **Actual date of birth / date of placement**  |  |
| **Date(s) child started to receive neonatal care** |  |
| **Date neonatal care ended:** | (Leave blank if applying for Tier 1 SNCL) |
| **Number of weeks to be taken as neonatal leave** | (Leave blank if applying for Tier 1 SNCL) |
| 2. I would like my SNCL to start: |  |
| 3. I would like my SNCL to end: | (Leave blank if applying for Tier 1 SNCL) |

**Section C– Application for Statutory Neonatal Care Pay (SNCP)**

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| Please refer to the attached guidance document ‘the entitlement to SNCP’ and tick the **one** applicable statement. |
| a) I understand that I am not entitled to SNCP as I do not meet the earnings threshold. I am applying for SNCL only.  |[ ]
| b) I understand that I am entitled to SNCP.  |[ ]

**Section D – Declaration**

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| --- |
| All of the information I have provided on this form is accurate |
| **Print name** |  |
| **Signed** |  |
| **Date** |  |
| Please return this form to the Senior Authorising Officer. |

**Section E – Authorisation (to be completed by the Senior Authorising Officer)**

|  |
| --- |
| I authorise the Neonatal Care Leave and pay as detailed above. |
| **Print name** |  |
| **Signed** |  |
| **Date** |  |
| This form should be retained on the employee's personnel file.Please forward a copy for payroll processing. |