

Guidance notes

Statutory Neonatal Care Pay (SNCP) is a UK government scheme that provides eligible employees with paid leave and pay when their child requires neonatal care for at least seven consecutive days within 28 days of birth. The amount of SNCP received is determined by either a fixed weekly rate or 90% of the employee's average weekly earnings, whichever is lower.

Eligibility:

- Child's Neonatal Care: The baby must receive neonatal care for at least seven consecutive days within 28 days of birth.
- Parental Relationship: The employee must have a parental or other personal relationship with the child.
- Employment: The employee must be employed in England, Scotland, or Wales.
- Baby's Birth: The baby must be born on or after April 6, 2025.

What you can get:

- Paid Leave: Eligible employees can take up to 12 weeks of paid leave.
- SNCP: The payment amount is either £187.18 a week or 90% of average weekly earnings, whichever is lower.

How SNCP is paid:

- SNCP is paid in the same way as regular wages, with deductions for tax and National Insurance.
- Employers are responsible for administering the scheme and paying their employees the SNCP they are entitled to.
- Employers can recover some or all of the SNCP paid to their employees in the same way as for Statutory Maternity Pay (SMP).

Recommendation: To adopt the policy and amend in line with any green book

Neonatal Care Leave Policy

1. Introduction

- 1.1. We are committed to supporting employees during challenging times, including when their child requires neonatal care. This policy explains who is eligible for neonatal care leave and pay, notification requirements, and the protections employees have when taking leave.
- 1.2. These new entitlements take effect from 6th April 2025 and apply to children born after 6th April 2025.
- 1.3. This Policy applies to all employees of the Council.
- 1.4. This Policy explains the rules¹ relating to neonatal care leave and pay.
- 1.5. This Policy does not form part of your contract of employment. We reserve the right to amend or remove this Policy. If there is any conflict between the terms of this Policy and the statutory rights which it covers, then the statutory rights will prevail.

2. Eligibility for Neonatal Care Leave

- 2.1. Neonatal Care incorporates:
 - a medical care received in a hospital;
 - b medical care received in any other place where the child was an inpatient in hospital and the care is received upon that child leaving hospital; and the care is under the direction of a consultant; and the care includes ongoing monitoring by, and visits to the child from, healthcare professionals arranged by the hospital; and
 - c palliative or end of life care.
- 2.2. The following employees are potentially eligible to take Neonatal Care Leave:
 - a The child's parent who has or expects to have responsibility for the child's upbringing;
 - b The partner of the child's mother who expects to have main responsibility (apart from the mother) for the child's upbringing;
 - c The child's adopter who has or expects to have responsibility for the child's upbringing;
 - d The partner of the child's adopter who expects to have main responsibility (apart from their partner) for the child's upbringing;
 - e The child's overseas adopter with responsibility for the upbringing of the child;

¹ This Policy is drafted to reflect statutory entitlements. If you offer any enhanced entitlements to leave and/or pay, then you should insert details of these entitlements as well.

- f The partner of the child's overseas adopter with main responsibility (apart from their partner) for the child's upbringing.

2.3. The leave must be taken to care for the child.

3. Leave entitlement

- 3.1. Eligible employees will be able to take leave if their baby requires seven (or more) days of continuous neonatal care starting within the first 28 days following their birth. Entitlement to begin taking a period of neonatal care leave only begins once the child has spent seven consecutive days in neonatal care.
- 3.2. Eligible employees are entitled to one week's leave for every week their child spends in neonatal care, capped at a maximum of twelve weeks. The leave may be taken while the child is receiving the care or after.
- 3.3. The leave must be taken before the end of 68 weeks beginning with the date of the child's birth.
- 3.4. Where an employee takes neonatal care leave during a period where the child is receiving neonatal care (or in the seven days immediately following discharge) then the employee is able to take neonatal care leave in non-consecutive weeks. This is known as '**tier 1**' leave.
- 3.5. Where an employee takes accrued neonatal care leave at any point after seven days has elapsed since the child's discharge from neonatal care then the employee must take any accrued leave in consecutive weeks. This is known as '**tier 2**' leave.
- 3.6. Where more than one child is in receipt of neonatal care, each child is generally to be treated separately as regards entitlement to take neonatal care leave. However, if more than one child is receiving neonatal care at the same time, entitlement only accrues once. So, for example, if twins spend the same three weeks in neonatal care then the eligible employee will accrue three weeks of neonatal leave during this period, not six.

4. Notification Requirements

- 4.1. If you wish to take a period of neonatal care leave you must give notice of your intention to take neonatal care leave in writing to the Council, specifying:
 - a your name;
 - b the child's date of birth and where relevant in cases of adoption, the date the child is placed, or in cases of overseas adoption, the date the child enters Great Britain;
 - c the date or dates that the child started to receive neonatal care;
 - d if the child is no longer receiving neonatal care, the date the neonatal care ended;
 - e the date on which you choose the period of absence to begin;
 - f the number of weeks of neonatal care leave the notice is being given for; and
 - g that you are taking the leave to care for the child; and

h that you are eligible to take this form of leave.

- 4.2. Where any initial notice is given before the child has stopped receiving neonatal care, you must inform us of the date that the neonatal care ends, as soon as is reasonably practicable after that date. If neonatal care then starts again after you have notified us that it has ended, you should inform us of the date that neonatal care started again as soon as possible.
- 4.3. If the leave is to start during the tier 1 period, notice must be given before the employee is due to start work, on the employee's first day of absence or if that is not possible then as soon as reasonably practicable.
- 4.4. If the leave is to be taken later (during the tier 2 period) then, for a single week, notice must be given no later than 15 days before the first day of leave to which the notice relates. If it is for two or more consecutive weeks then notice must be given no later than 28 days before the first day of the leave to which the notice relates.
- 4.5. We reserve the right to waive or reduce the notice requirements set out above if we consider it reasonable to do so.

5. Interaction with other family leave

- 5.1. Neonatal care leave can be taken in addition to maternity, paternity, adoption, and shared parental leave. Employees who qualify for multiple types of leave may take them consecutively, ensuring they receive the maximum support available. Neonatal care leave does not reduce the length of any other statutory leave entitlement.
- 5.2. If a period of tier 1 neonatal leave is interrupted by the commencement of any other form of family leave then the neonatal care leave ends immediately before the start of the other period of statutory leave and either:
 - a the remaining entitlement to neonatal care leave must be taken immediately after the end of the other period of statutory leave, provided the leave is still being taken in the tier 1 period; or
 - b where, following the other statutory leave, the employee is now in the tier 2 period, the remaining entitlement to neonatal care leave must be taken consecutively with any other neonatal care leave taken in the tier 2 period.
- 5.3. An employee is not entitled to take leave in the tier 2 period where, at the time of giving notice, the employee knows that the leave will be interrupted by another statutory leave period.

6. Neonatal Care Leave Pay

- 6.1. Employees may be eligible for Statutory Neonatal Care Pay (SNCP) during any period of neonatal care leave if they:
- a Have been employed for at least 26 weeks before the relevant week (which is the 15th week before the week in which the baby is due);
 - b Earn at least the lower earnings limit for National Insurance contributions (£125 per week from 6th April 2025); and
 - c Provide the necessary documentation and notification to Finance and Administration Manager or Town Clerk (see section 4 above).
- 6.2. Notice for a statutory pay week beginning in the Tier 1 period must be given before the end of the period of 28 days beginning with the first day of the first statutory pay week to which the notice relates.
- 6.3. Notice for a statutory pay week beginning in the Tier 2 period must be given (for a single week) no later than 15 days before the first day of leave to which the notice relates, and if it is for two or more consecutive weeks then notice must be given no later than 28 days before the first day of the leave to which the notice relates.
- 6.4. Provided all requirements are met, SNCP will be paid at the government-set rate for up to 12 weeks. The amount of SNCP is set annually by the government.

Note Councils can opt to pay full salary as opposed to SNCP, this would be a policy decision at present as the Green Book is currently silent on Neonatal leave.

7. Protection from dismissal or detriment

Employees taking neonatal care leave are protected from dismissal, detriment, or any form of unfair treatment due to exercising their rights. Any concerns regarding discrimination or negative treatment should be reported to The Clerk / Chair of HR Committee immediately. If an employee believes they have been unfairly treated, they may pursue a grievance or legal claim for unfair dismissal.

8. Protection from redundancy

- 8.1. If a redundancy situation occurs affecting you:

- a during a period in which you are taking neonatal care leave; or,
- b if you have taken at least six consecutive weeks of neonatal care leave, in the period following the day after you have taken six consecutive weeks of leave and ending 18 months after the birth of the child (or, in cases of adoption and overseas adoption, the date from which the entitlement to take neonatal leave arose)

then, where there is a suitable alternative vacancy, you are entitled to be offered alternative employment with us, our successor or an associated employer, under a new

contract of employment which takes effect immediately on the ending of the employee's employment under the previous contract.

- 8.2. This protection does not apply if you already otherwise have protection under the equivalent provisions relating to pregnancy, maternity, shared parental or adoption leave.

9. Useful links and contacts

- 9.1. The following internal policies are referred to in this Policy and provide additional information:

- a Staff Handbook

- 9.2. The following links may be useful:

- a [Parents to receive day one right to neonatal care leave and pay - GOV.UK](#)

10. Administration of the Neonatal Care Leave Policy

- 1.1 The Finance and Administration Manager is responsible for the administration of the Neonatal Care Leave Policy. Should you have any feedback, please contact them or the Town Clerk