Neonatal Leave and Pay-
The New Law

From **6 April 2025**, the Neonatal Care (Leave and Pay) Act 2023 provides eligible employees with up to 12 weeks' statutory neonatal care leave ("SNCL") if their child is receiving or has received neonatal medical care.

Neonatal care in this context means hospital care, any post-discharge care (if directed by a consultant) and ongoing monitoring, including visits from healthcare professionals or palliative/end of life care.

SNCL can be added to other statutory family-related leave and offers similar protections for employees taking such leave, including protections from redundancy, detriment and unfair dismissal.

Eligibility

SNCL is a 'day 1' right and therefore **no minimum qualifying service is required**.

To be eligible, the employee must meet all of the following requirements:
- have a child who is receiving or has received neonatal medical care;
- be the child's parent/guardian; the mother's partner, intended parent or the adopter/prospective adopter (or partner of the same) at the date of birth;
- have responsibility for the child's upbringing and take the leave to care for the child.

The child must be born on or after 6 April 2025 and the care must start within 28 days of the child's birth, continuing for at least 7 consecutive days (from the day after the care starts).

Notification requirements

In order to take SNCL, employees must provide formal notification to their employer setting out:
- the child's date of birth (in adoption cases, the date of placement);
- the date/s of receiving neonatal care or when it ended;
- the date on which the employee chooses SNCL to begin;
- the number of weeks of SNCL the notice is being given for;
- that the employee is taking the leave to care for the child; and
- confirmation the employee meets the eligibility requirements (above) if it is the first notice for that child.

Entitlement

An eligible employee can take 1 week of SNCL in respect of each "qualifying period" (this being equal to each week the child receives uninterrupted neonatal care).

SNCL **may also be added to other statutory family leave**, but must be taken within 68 weeks of the child's birth/placement. The **maximum entitlement is 12 weeks' leave**. This means someone on maternity leave or primary adoption leave may end up having 64 weeks' leave in total i.e. 52 weeks' maternity/adoption leave plus up to 12 weeks' SNCL.

Tiers - a new concept

SNCL is divided into two types or 'tiers' of leave.

SNCL taken while the baby is receiving neonatal care (or up to 7 days post-discharge) is a **'tier 1 period'** and can be taken in non-consecutive blocks of at least one week provided the employee has given at least 15 days' notice for each block.

All other SNCL falls within a **'tier 2 period'** and must be taken in a single, continuous block with 28 days' notice where it is 2 weeks or more.

An employee can cancel or return early from tier 2 leave by telling the employer at least one week in advance. Shorter notice may be accepted if the employer agrees. Employers cannot refuse a request for SNCL.

Statutory Neonatal Care Pay

Employees with 26 weeks of continuous service before the relevant week are eligible for statutory neonatal care pay (SNCP). The relevant week is typically the 15th week before birth, the week in which the adopter is notified of being matched with a child, or specific rules apply where the baby is born prematurely.

SNCP is paid at the same rate as statutory paternity pay and capped at 12 weeks' pay for 12 weeks' leave.

Employers may want to consider whether to enhance the rate of pay and should review this alongside their other family leave entitlements.

ACTION FOR EMPLOYERS

Although much of the framework mirrors other forms of family leave, there are some new concepts with which employees should familiarise themselves, particularly the introduction of different tiers of leave. Employers will need to familiarise themselves with these rules and consider **introducing a Neonatal Care Leave Policy** as soon as possible.

Please contact us if you have any queries or require a policy in respect of this new entitlement.