

The Auriga Academy Trust

Neonatal Care Leave and Pay Policy

Contents:

1. Scope	2
2. Policy Purpose	2
3. Neonatal Care	2
4. Neonatal Care Leave (NCL)	2
4.1 Eligibility	2
4.2 Entitlement	3
4.3 Taking Neonatal Care Leave (NCL)	3
4.4 Notice to take Neonatal Care Leave (NCL)	3
5. Statutory Neonatal Care Pay (SNCP)	4
5.1 Eligibility	4
5.2 Entitlement	5
5.3 Notice to claim Statutory Neonatal Care Pay (SNCP)	5
6. Employee Rights during Neonatal Care Leave (NCL)	5
7. Rights to return to work after NCL	6
8. Protection from detriment or dismissal	6
9. Restructure/Redundancy exercise during period of NCL	6
10. Other related policies	6
11. Local Government Pension Scheme (LGPS) Members – Buying ‘Lost’ Pension	6
12. Relevant Legislation	6
Appendix 1: - Notice to take Neonatal Care Leave (NCL) Form and claim Statutory Neonatal Care Pay (SNCP)	8
Appendix 2: Process for Buying ‘Lost’ Pension – Flow chart	9
Appendix 2a: Local Government Pension Scheme Member – Buying ‘Lost’ Pension	10
Appendix 2b: Request for Total ‘Lost’ Pensionable Pay during Period of Unpaid Leave	11

1. Scope

This policy applies to all staff employed directly by The Auriga Academy Trust. With effect from 06 April 2025 employees have a statutory right to neonatal care leave from day one of employment where they are responsible for a baby receiving neonatal care. Entitlement to statutory neonatal care pay is subject to employees meeting the eligibility criteria.

Taking neonatal care leave will not affect the employee's entitlement to other existing family related rights such as Maternity Leave, Adoption Leave, Shared Parental Leave and Paternity Leave etc.

The recognised trade unions have been consulted.

2. Policy Purpose

The purpose of this policy is to support employees to take time off work if their baby is receiving neonatal care.

This policy explains an employee's rights to neonatal care leave, and where eligible to pay, along with the process for applying for leave and pay.

3. Neonatal Care

Neonatal care is defined as:

1. Medical care received in a hospital; or
2. Medical care received in any other place which meets the following criteria:
 - a) The child was an inpatient in hospital and the care is received upon the child leaving hospital;
 - b) The care is provided under the direction of a consultant, and
 - c) The care includes ongoing monitoring by, and visits to the child from, healthcare professionals arranged by the hospital; or

Palliative or end of life care.

4. Neonatal Care Leave (NCL)

4.1 Eligibility

There is no qualifying period of employment for the right to take Neonatal Care Leave (NCL). It is a 'day one' right for employees.

An employee will be eligible to take neonatal care leave, if they are:

- The mother or father of the baby, provided they have, or expect to have, responsibility for the baby's upbringing
- The mother's partner, provided they have, or expect to have, the main responsibility (apart from any responsibility of the mother) for the baby's upbringing
- The intended parents in a surrogacy arrangement where a parental order is expected to be made, and provided they have, or expect to have, responsibility for the baby's upbringing
- *The adopter, or prospective adopter (fostering for adoption arrangements), provided they have, or expect to have, responsibility for the baby's upbringing

- *The adopter, or prospective adopter's partner (fostering for adoption arrangements), provided they have, or expect to have, the main responsibility (apart from any responsibility of their partner) for the baby's upbringing
- *The overseas adopter, provided they have, or expect to have, responsibility for the baby's upbringing
- *The overseas adopter's partner, provided they have, or expect to have, the main responsibility (apart from any responsibility of their partner) for the baby's upbringing.

*In these cases, Neonatal Care Leave (NCL) will only accrue in respect of qualifying periods that arise after the child is placed or, in the case of overseas adoptions, the child enters Great Britain.

In all cases, the leave must be taken for the purpose of caring for the child.

4.2 Entitlement

Employees are entitled to a maximum of 12 weeks of Neonatal Care Leave (NCL).

For employees to be entitled to take NCL, the baby must have started receiving NC within 28 days after the day of its birth.

A week of NCL will accrue for each week (period of 7 days) during which the baby receives uninterrupted NC (the **Qualifying Period**). The first Qualifying Period begins with the day after the first day on which the care starts, and then each subsequent Qualifying Period starts at the end of the previous one.

An employee can accrue NCL in respect of more than one child born as a result of the same pregnancy. However, the maximum amount of leave an employee can accrue is 12 weeks in total.

4.3 Taking Neonatal Care Leave (NCL)

Any weeks of NCL accrued must be taken within 68 weeks beginning with the child's date of birth or date of placement in cases of adoption.

If an employee accrues NCL after already starting another period of statutory family leave, such as maternity leave, adoption leave, shared parental leave, NCL can be taken under the "Tier 2 period" after the end of this period of statutory family leave, providing it is within 68 weeks beginning with the child's date of birth or placement.

4.4 Notice to take Neonatal Care Leave (NCL)

Employees are required to give notice to take NCL as follows:

4.4 (a) Notice to take NCL during "Tier 1 period"

The "Tier 1 period" is the period beginning with the day the baby started receiving NC and ending with the seventh day after the baby stopped receiving NC.

In cases where more than one child is receiving NC, the period starts at the time the first child starts to receive NC, and ends on the seventh day that the last of the children stops receiving NC.

Leave can start on the day after the first Qualifying Period and may be taken in non-consecutive weeks.

For each week of leave that is taken, notice must be given before the employee is due to start work on the employee's first day of absence from work in that week, unless this is not reasonably practicable, in which case notice must be provided as soon as is reasonably practicable.

4.4 (b) Notice to take NCL during "Tier 2 period"

The "Tier 2 period" is defined as any other period within the total period that NCL can be taken that is not a "Tier 1 period".

This is, in practice, any time during the 68 week period that is not a period during which the baby is receiving NC or during the week immediately after it ends.

An employee who is unable to take their NCL while their child is receiving care (or within 7 days afterwards) has the option to take the accrued leave at a later date within the 68 week period.

Leave taken in this "Tier 2 period" must be taken consecutively and notice must be provided as follows:

- If the employee is eligible for a single week of leave, notice must be given no later than 15 days before the first day of the leave
- For two or more consecutive weeks of leave, 28 days' notice must be given.

4.4 (c) The notice the employee provides must specify:

- a) Their name as the person giving notice to take NCL;
- b) The child's date of birth of the child; and where relevant
- c) In cases of adoption, the date of placement, or
- d) In cases of overseas adoption, the date the child enters Great Britain
- e) The date that the child started to receive NC or, if the notice covers each date that the child started to receive NC, such dates that the child started to receive NC on;
- f) The date NC ended If the child is no longer receiving NC;
- g) The date employee wants the leave to begin;
- h) The number of weeks of NCL the notice is being given for;
- i) Declaration that the employee is taking the leave to care for the child; and
- j) If it is the first time notice is given in respect of the child, declaration that the person claiming the NCL meets the eligibility requirements.

A request to take NCL can be withdrawn by following the same notice periods as above.

Where an employee has given notice to the school before the child has stopped receiving NC, they must inform the school of the date the care ends as soon as is reasonably practicable.

An employee should use Every HR to request neonatal care leave. **Appendix 1** lists the details that must be given by the employee when giving notice to take NCL. Trust HR will respond formally by email having received the request.

5. Statutory Neonatal Care Pay (SNCP)

5.1 Eligibility

An employee will be eligible to receive Statutory Neonatal Care Pay (SNCP) if the following conditions are met:

- The employee fits a category given in Section 4 of this Policy
- The employee has 26 weeks' continuous service by the week immediately preceding the one in which NC starts
- The employee earns at least the lower earnings limit on average calculated over the period of eight weeks ending with the week before NC starts

- The employee provides the requisite notice as per Section 7 of this Policy.

5.2 Entitlement

If an employee is eligible for SNCP they are entitled to a maximum of 12 weeks' SNCP. The weekly rate of SNCP is the lower of:

- The prevailing SNCP rate per week
- 90% of the employee's normal weekly pay.

5.3 Notice to claim Statutory Neonatal Care Pay (SNCP)

In an employee is eligible for SNCP, they will need to provide notice in writing of their intention to claim SNCP alongside their notice of intention to take NCL.

5.3 (a) Notice to claim SNCP in the "Tier 1 period"

The employee must provide notice before the end of 28 days after the first day of the pay week the notice refers to (relevant pay week).

5.3 (b) Notice to claim SNCP in the "Tier 2 period"

The employee must provide notice no later than 15 days before the first day of the relevant pay week when taking a single week of leave.

The employee must provide notice no later than 28 days before the first day of the first relevant pay week when taking two or more weeks.

5.3 (c) The notice the employee provides must specify:

- a) Their name as the person giving notice claiming SNCP;
- b) The child's date of birth of the child; and where relevant
 - (i) In cases of adoption, the date of placement, or
 - (ii) In cases of overseas adoption, the date the child enters Great Britain
- c) The date that the child started to receive NC or, if the notice covers each date that the child started to receive NC, such dates that the child started to receive NC on;
- d) The date NC ended If the child is no longer receiving NC
- e) Declaration that the week they are claiming pay for was taken to care for the child
- f) Declaration that they meet the eligibility requirements.

The intention to claim Statutory Neonatal Care Pay should be confirmed on EveryHR when the request for Neonatal Care Leave is made. Please see Appendix 1 for further details regards the information that must be provided.

6. Employee Rights during Neonatal Care Leave (NCL)

All contractual terms and conditions (except for normal remuneration) should continue throughout the period of NCL. Taking NCL does not constitute a break in employee's continuous service.

During the period of NCL, the employee will continue to be bound by the terms of their contract of employment including the implied terms of trust and confidence and any terms as to notice of termination by the employee.

7. Rights to return to work after NCL

The employee has the right to return to their substantive role after NCL has ended.

If the employee combines NCL with other leave entitlements which results the leave being more than 26 weeks they have the right to return to another suitable job, the terms and conditions of which are no less favourable, if it is not reasonably practicable for the employee to return to their previous job.

8. Protection from detriment or dismissal

An employee has the right not to be subjected to detrimental treatment because they are exercising their rights under this Policy in taking or seeking to take NCL or because the employer believed they were likely to take NCL. Any dismissal which is due to, or in connection with the employee taking NCL, will be regarded as unfair where the effective date of termination falls on or after 06 April 2025.

9. Restructure/Redundancy exercise during period of NCL

Employees taking NCL have a similar right to be offered a suitable alternative vacancy on their return to work, as those employees taking other types of statutory parental leave. Where an employee takes 6 consecutive weeks of NCL, this protection is extended for 18 months from the date the child is born, is placed or entered Great Britain. Please see Appendix 7 of the Trust's **Redundancy Policy**.

10. Other related policies

Employees' entitlement to time off on the loss of a child, under the age of 18, is set out in the school's Parental Bereavement Leave and Pay Policy.

11. Local Government Pension Scheme (LGPS) Members – Buying 'Lost' Pension

Any period of unpaid leave under this policy will not count for pension purposes. Members of the Local Government Pension Scheme can elect to pay Additional Pension Contributions (APCs) to buy back the 'lost' pension.

Where unpaid leave has been approved, the **Trust HR** will inform the employee of the effect of the unpaid leave on their pension and their right to choose to buy 'lost' pension. The model letter at **Appendix 2a** can be used for this purpose. The employee can then apply, if they wish to do so, using the model letter at **Appendix 2b**.

If the member makes their election to buy the 'lost' pension within 30 days of returning to work from the authorised unpaid leave, the cost of buying the 'lost' pension is shared between the member and the employer with the member paying 1/3rd of the total cost and the employer paying 2/3rds of the total cost. This is known as a Shared Cost Additional Pension Contract (SCAPC).

The process for buying 'lost' pension is set out in the flowchart at **Appendix 2**.

12. Relevant Legislation

The relevant legislation (as amended) is:

- [Neonatal Care \(Leave and Pay\) Act 2023](#)
- [The Neonatal Care \(Leave and Pay\) Act 2023 \(Commencement No. 2\) Regulations 2025](#)
- [The Neonatal Care Leave and Miscellaneous Amendments Regulations 2025](#)
- [The Statutory Neonatal Care Pay \(General\) Regulations 2025](#)

Appendix 1: - Notice to take Neonatal Care Leave (NCL) Form and claim Statutory Neonatal Care Pay (SNCP)

A request for neonatal care leave should be made using **EveryHR** under My Portal > My Leave > + Request General Absence > Reason for Absence = Neonatal care Leave.

Under the **Details** section please provide details regards:

Child's Details:

- Relationship to child
- Date of birth
- In cases of adoption – Date of placement of child
- In case of overseas adoption – Date the child entered Great Britain

Details of Neonatal Care (NC)

- Date(s) the child started to receive NC
- Where the child is no longer receiving NC, the date the NC ended

Details of Neonatal Care Leave (NCL)

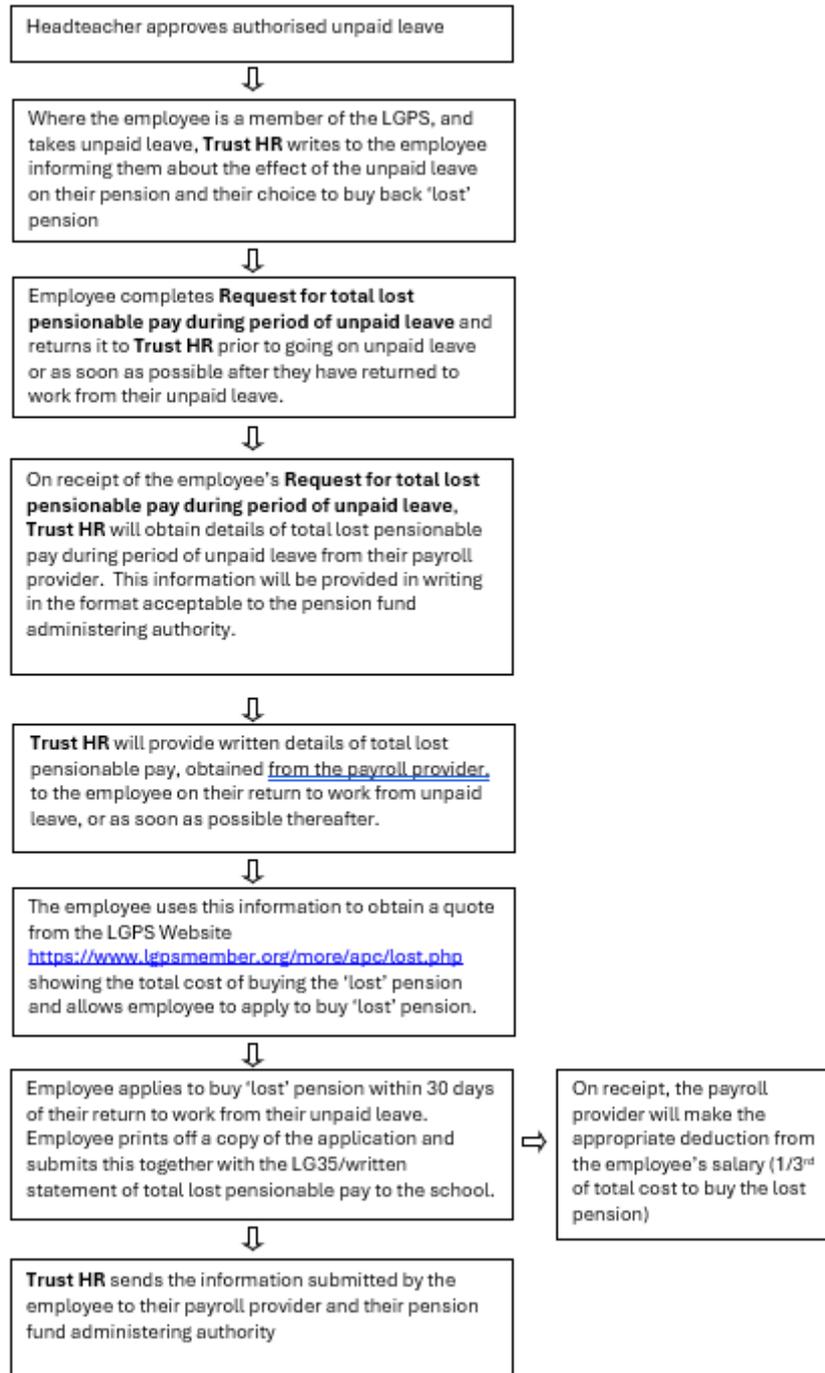
- State whether the requested NCL is during the Tier 1 Period or Tier 2 period (see section 4.3)
- Date you wish to start NCL.
- Number of weeks of NCL you are giving notice for

Details of Statutory Neonatal Care Pay (SNCP) claim

- State whether it is your intention to claim SNCP.
- State whether you have previously claimed SNCP. If YES, please provide the dates of your previous claim (from and to)
- State whether you believe you are entitled to claim SNCP. You are entitled to claim SNCP if:
 - You are entitled to take NCL
 - You have 26 weeks' continuous service up to the relevant week
 - You earned at least the lower earnings limit on average for the eight weeks up to the relevant week
 - You have given at least the required amount of notice.

Appendix 2: Process for Buying 'Lost' Pension – Flow chart

Process for Buying 'Lost' Pension – Flowchart



Appendix 2a: Local Government Pension Scheme Member – Buying ‘Lost’ Pension

Dear *(Insert name of employee)*

Authorised Unpaid Leave : Local Government Pension Scheme Member – Buying ‘lost’ pension

I refer to your request for unpaid leave under the Trust's Neonatal Care Leave and Pay Policy for the period from *(insert date)* to *(insert date)*. I have authorised the leave **without** pay.

Any period of authorised **unpaid** leave of absence will not count for pension purposes. You can however elect to pay Additional Pension Contributions (APCs) to buy back the ‘lost’ pension. If you elect to buy the ‘lost’ pension within 30 days of returning to work from your period of unpaid leave, the Trust will pay 2/3rds of the total cost of buying the ‘lost’ pension and the remaining 1/3rd of the total cost of buying the ‘lost’ pension will be paid by you by way of a deduction from your salary.

If you are interested in buying the ‘lost’ pension, please complete and sign the form at **Appendix 2b - Request for Total Lost Pensionable Pay during Period of Unpaid Leave** and return it to Trust HR (HR@aurigaacademytrust.org.uk) prior to going on leave or as soon as possible following your return to work from your period of unpaid leave.

Trust HR will provide you with details of the total lost pensionable pay for the period of the unpaid leave on your return to work, or as soon as possible thereafter. This information will enable you to obtain a quote from the Local Government Pension Scheme website (<https://www.lgpsmember.org/help-and-support/tools-and-calculators/buy-lost-pension-calculator/>) showing the total cost of buying the ‘lost’ pension and allow you to apply to buy ‘lost’ pension should you choose to do so.

Yours sincerely

Trust HR

Appendix 2b: Request for Total 'Lost' Pensionable Pay during Period of Unpaid Leave

I have been granted authorised unpaid leave from *(insert date)* to *(insert date)*.

I am aware that this period will not count for pension purposes unless I make an election to pay Additional Pension Contributions to buy back the 'lost' pension.

I am aware that if I elect to buy the 'lost' pension within 30 days of returning to work from the period of the unpaid leave, 2/3rds of the total cost of buying the 'lost' pension will be paid by the school and I will be responsible for paying 1/3rd of the total cost of buying the 'lost' pension.

My share of the payment will be deducted from my salary.

I am interested in buying the 'lost' pension and would like to request details of total lost pensionable pay for the period of unpaid leave so that I can obtain a quote for the total cost of buying 'lost' pension.

Name:

Position:

Signature:

Date:

Please return this request to Trust HR (HR@aurigaacademytrust.org.uk).