



NEONATAL LEAVE AND PAY

1. Background and Introduction

- 1.1 Following the birth of a child most parents will expect to spend a couple of days in hospital before being discharged and returning home to spend time with their newborn baby. However, for many parents of premature or sick babies the situation will be very different as many of these babies will receive weeks, and in some cases, months of neonatal care.
- 1.2 This means that for the mother of those babies a period of their maternity leave and pay is used while the baby is in hospital before they even get to spend time with their newborn. This may often lead to new mothers having to return to work without having spent the normal amount of time with their new babies.

2. Purpose of the Policy

- 2.1 This policy sets out the entitlement to neonatal leave and pay for eligible employees. This policy does not form part of any employee's contract of employment and the organisation may amend it at any time.
- 2.2 The policy has been developed to help support families whose newborn child spends time in neonatal care following birth. This is generally because the baby is born prematurely (before 37 weeks of pregnancy) or at full-term but sick. For many parents, therefore much of their maternity/paternity leave is spent on the neonatal unit, not at home bonding with their babies.
- 2.3 This policy will ensure that the parents of the child in neonatal care have the opportunity to spend the same amount of time, at home, with their child as would be the case where the child does not spend time in hospital. This will provide the parents of such babies with the assurance that they will be able to spend as much time with their newborn baby as those on maternity leave/ maternity support leave whose baby does not require to spend time in a neonatal unit.

3. Eligibility for Neonatal Leave and Pay

- 3.1 All employees will be eligible to apply for neonatal leave from the first day of employment. Agency assignees, casual workers, self employed contractors, are not eligible under this policy..
- 3.2 Employees will be eligible for neonatal pay if they have 26 weeks continuous service at the date the child is first admitted to the neonatal unit.
- 3.3 To qualify for neonatal leave the newborn baby would have to have spent at least 7 consecutive days in a neonatal care unit within the first 28 days of birth.

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- 3.4 If you are the mother of the child and receiving maternity leave and pay this will continue until the end of the maternity leave period. Any entitlement to neonatal leave will commence at the end of the maternity leave period.
- 3.5 Where the mother of the child does not qualify for maternity pay she will still be entitled to apply for neonatal leave and pay.
- 3.6 If you are not the mother of the child you will be eligible to apply for neonatal leave if you are:
- the father
 - the husband or partner of the mother (or adopter) - this includes same-sex partners
 - the child's adopter
 - the intended parent (if you're having a baby through a surrogacy arrangement and eligible to apply for a parental order)

4. Neonatal Leave and Entitlements

- 4.1 This policy provides all new mothers and fathers/ non-birthing parents with the right to leave from work if their baby receives neonatal care for at least 7 continuous days before the baby reaches 28 days from birth.
- 4.2 The length of leave depends upon how long the baby receives neonatal care and there is a maximum entitlement of 12 weeks leave and pay.
- 4.3 You will be entitled to a period of leave equivalent to the number of weeks your baby spends in a neonatal unit, provided it has been for at least seven consecutive days. Leave will be granted based upon full weeks only (ie each period of 7 consecutive days).
- 4.4 The leave must be taken within 68 weeks of the newborn baby being admitted to the neo-natal unit.
- 4.5 If you are the mother of the child, any neonatal leave must be taken immediately at the end of maternity leave.
- 4.6 Fathers of the baby and non birthing parents will receive the same entitlements but will be able to take the leave at any stage up to 68 weeks from date the child was admitted.
- 4.7 All leave must be taken in a single block of working days.

5 Impact on maternity leave and other types of family leave

- 5.1 Maternity leave cannot be paused or restarted, however the provision of neonatal leave and pay will allow the mother to have additional leave at the end of her maternity leave period.
- 5.2 The mother of a newborn child is entitled to take maternity leave for up to 52 weeks, through a combination of Ordinary Maternity Leave and Additional Maternity Leave.
- 5.3 This is a statutory right and maternity leave must begin on the day of the birth or at 11th week before the expected week of confinement (EWC).

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This policy does not affect the right to maternity leave or the requirements for maternity leave. This policy is to allow all parents of newborn babies to have the opportunity to spend up to the full 52 weeks at home with the newborn baby.

- 5.4 Neonatal leave for the mother of the child cannot be taken during a period of maternity leave and must be taken immediately the maternity leave ends.
- 5.5 The interaction with other types of statutory parental leave (shared parental leave and paternity/ maternity support leave) with neonatal leave will be more flexible as these can be used at different times. For example, paternity leave can be used at any time between the birth of the baby and 56 days from birth (or due date in the case of premature birth). Neonatal leave can be used at any time up to 68 weeks following admittance to the care unit.
- 5.6 The policy will not impact on the mother's rights to maternity leave and pay or on the right to take paternity/maternity support leave or any other statutory leave.

6 Notifying the Council of the intention to take Neonatal leave

- 6.1 The Council recognises the sensitivities of a newborn child receiving neonatal care however it is important that the employee provides notification of their intention to take neonatal leave as soon as possible. For the mother of the newborn baby, this should be no later than 4 weeks prior to the leave being taken. For the father/ husband/ non birthing parent notice should be provided which is at least the same period as the leave being requested, eg if requesting one week off then one week's notice should be provided. Where, for whatever reason this is not possible the employee should discuss with the line manager prior to taking any leave.
- 6.2 As the leave for the mother of the child will begin immediately the maternity leave ends it is important to ensure adequate notice is provided so the appropriate payroll adjustments can be made.
- 6.3 Employees should complete the form attached at Appendix 2 and submit to their line manager. The line manager will confirm the entitlement by writing to the employee within two weeks of the request by way of appendix 3.

Where the father/non-birthing parent wishes to avail of the leave immediately following paternity leave the manager will confirm this immediately at the time of request and follow up in writing to the employee.
- 6.4 A line manager cannot refuse a request for neonatal leave provided the employee meets the eligibility criterion and provides the requisite period of notice.

7 Payment

- 7.1 Neonatal leave will be paid at the statutory rate for a week's pay up to a maximum of 12 weeks.
- 7.2 If you are the mother of the child on maternity leave and do not intend to return to work following the maternity leave you will not be entitled to any neonatal pay.

8 Terms and conditions during neonatal leave

- 8.1 During any neonatal leave an employee will be entitled to all their existing terms and conditions other than those relating to pay.

Appendix 1: Frequently Asked Questions

Is neonatal leave paid or unpaid?

Neonatal leave is paid at the statutory rate of pay for each full week of leave up to a maximum period of 12 weeks.

When can I use my neonatal leave entitlement?

Neonatal leave can be used up to 68 weeks following the baby's admission to the neonatal unit. However, for the mother the leave must be used immediately once the period of maternity leave ends.

I am the mother of the child, do I need to take my neonatal leave in one single block?

Yes. If you are the mother of the child, you cannot take part of the entitlement and then return to work, or use another type of leave, and then take further neonatal leave.

My maternity leave is due to end and I am entitled to two weeks neonatal leave. I am arranging child care for my return to work. Can I return to work after my maternity leave and take my neonatal leave at a later date?

No. The purpose of neonatal leave entitlement is to ensure that the mother of the child can spend the same amount of time with her child at home as would be the case with maternity leave. For the mother of the child neonatal leave must be taken immediately the maternity leave ends.

I am the father of a child who has spent more than one week in a neonatal unit before being allowed to come home. Am I entitled to neonatal leave as well as paternity leave.

Yes. Both types of leave have different criteria. Paternity leave can be used at any time up to 56 days following the childbirth and neonatal leave up to 68 weeks following admission to the neonatal unit.

Can I use my paternity and neonatal leave in immediate succession?

Yes. Paternity leave can be used at any time from the birth of the child up to a period of 56 days. Neonatal leave can be taken any time up to a period of 68 weeks from the first day of admission to the neonatal unit. The two types do not need to be taken in immediate succession; however, the neonatal leave will need to be taken in a single block.

A week for these purposes is a seven day period starting on any day

Can my manager refuse to grant me neonatal leave at the times I request?

No. you are entitled to neonatal leave if you meet the criteria. However, you must provide the correct notice to management.

Is the amount of leave I am entitled to based upon the number of days my newborn child spends in the hospital or only the full weeks, ie each period of 7 full days?

You will be entitled to leave and pay only for the number of FULL WEEKS your child spends in care, ie seven consecutive days. Therefore, if your child is in neonatal care for 10 days, you will receive one full week in leave and pay if you meet the eligibility criteria. If your child is in care for 25 consecutive days you will receive neonatal leave and pay for 3 weeks if you meet the eligibility criteria.

My baby came home with me a few days following the birth but then became ill and was admitted to hospital for 10 days. Am I entitled to neonatal leave?

You will be entitled to neonatal leave in this instance provided the baby is admitted to hospital within 28 days of childbirth. Should hospital admission have occurred later than the 28 days then this type of leave will not apply.

Appendix 2: Application for Neonatal Leave

BELFAST CITY COUNCIL NOTIFICATION OF INTENTION TO TAKE NEONATAL LEAVE

Please complete this form if you are the mother/ father/ non-birthing parent. If you are the mother of the child your maternity leave must be brought to an end in order for neonatal leave to be taken. Once the maternity leave has been brought to an end it is unable to be reinstated. **You must provide at least four weeks' notice if you are the mother of the child and currently on maternity leave**

For the father/ husband/ non birthing parent notice should be provided which is at least the same period as the leave being requested, eg if requesting one week off then one week's notice should be provided. Where, for whatever reason this is not possible, please discuss with your line manager prior to requesting leave.

Employee Name:	
Job Title:	
Department:	
Section:	
State if you are the mother/ father/ non-birthing parent:	
Date of birth of child	
Date the baby was admitted to neo-natal care	
Date baby was discharged from neo-natal care	
Period of leave requested	
I wish my neo-natal leave to commence on the following date:	

DECLARATION:

Signed: _____ **Date:** _____

Appendix 3: Confirmation of Neonatal Leave Template

Your reference:

Our reference:

Being dealt with by:

Date:

Strictly private and confidential

[Addressee]

[Address line 1]

[Address line 2]

[Town]

[County]

[POSTCODE]

Dear [Enter first name]

RE: Confirmation of Neonatal leave

Thank you for your Notification of your intention to take neo-natal leave dated [enter date]. Based upon the information you have provided I can confirm your neo-natal leave will commence on [Enter date] for a period of [Enter details].

I acknowledge that you have provided the requisite notice.

Should you have any queries or concerns at all regarding your curtailment, please do not hesitate to contact me on [Enter details].

Yours sincerely

[Line manager/Business Support]

[Department]